



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing by way of registered mail, the tenant did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail.

As the tenant vacated the unit subsequent to the landlord's filing of the application, during the hearing the landlord's agent withdrew the application for an order of possession.

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence. Further, the landlord's agent is unable to confirm with certainty when the tenancy began or whether a security deposit was collected. What is known is that monthly rent of \$1,300.00 is due and payable in advance on the first day of each month.

Arising from rent in the total amount of \$1,400.00 which remained unpaid when due on July 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 5, 2012. The landlord's agent testified that the notice was served in-person on that same date. A copy of the notice was submitted in evidence. Thereafter, the tenant made no further payment toward rent and, when the tenant spoke with the landlord's agent by telephone on August 2, 2012, the tenant stated that she had vacated the unit.

No forwarding address was provided and the landlord's agent testified that the unit is in need of certain cleaning and repairs before it can be re-rented.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated July 5, 2012. The tenant did not pay the outstanding rent within 5 days of receiving the notice, did not apply to dispute the notice, and is understood to have vacated the unit on or about August 2, 2012.

As for the monetary order, I find that the landlord has established a claim of \$2,750.00, which is comprised as follows:

- \$100.00: unpaid rent for June
- \$1,300.00: unpaid rent for July
- \$1,300.00: unpaid rent / loss of rental income for August
- \$50.00: filing fee

As the landlord's agent is uncertain whether or not a security deposit was collected, the aspect of the application concerning retention of same is hereby dismissed with leave to reapply.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$2,750.00. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 09, 2012.

Residential Tenancy Branch