



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNR, 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 / 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 (the "hearing package") 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 has now vacated the unit, 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

Pursuant to a written tenancy agreement, what eventually became a month-to-month tenancy began on April 5, 2005. At the start of tenancy, monthly rent of \$625.00 was due and payable in advance on the first day of each month. By the end of tenancy, monthly rent was \$736.00. A security deposit of \$312.50 was collected on March 18, 2005.

Arising from rent which was unpaid when due on July 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 9, 2012. The notice was served by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail. A copy of the notice was submitted in evidence. Subsequently, the tenant made no further payment toward rent and is understood to have vacated the unit on or about August 7, 2012. The tenant left no forwarding address. New tenants have not yet been found for the unit.

### 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 9, 2012. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. As previously noted, the tenant later vacated the unit without providing a forwarding address.

As for the monetary order, I find that the landlord has established a claim of \$1,572.00, which is comprised as follows:

\$736.00: *unpaid rent for July*

\$25.00: *fee assessed for late payment of rent (per the Addendum to the tenancy agreement)*

\$736.00: *unpaid rent / loss of rental income for August*

\$25.00: *fee assessed for late payment of rent*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of \$312.50 plus interest of \$11.07 (total: \$323.57), and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,248.43 (\$1,572.00 - \$323.57).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$1,248.43. 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 22, 2012.

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Residential Tenancy Branch