



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

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

### Introduction

This hearing was scheduled in response to an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. One of the landlords 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 landlords includes the Canada Post tracking number for the registered mail.

During the hearing the landlord testified that the tenant has now vacated the unit. Accordingly, the landlord withdrew the application for an order of possession.

### Issue(s) to be Decided

Whether the landlords are entitled to any of the remaining aspects of the application under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on July 15, 2012. Monthly rent is \$725.00 and a security deposit of \$225.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause dated July 25, 2012. The notice was served in-person on the tenant on that same date. A copy of the notice was submitted in evidence. Subsequently, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 30, 2012. That notice was served by way of posting on the tenant’s door on that same date. The tenant did not file an application to dispute either notice, and no further payment was made toward rent before the tenant vacated the unit on or about August 18, 2012. The tenant provided no forwarding address. The landlord testified that certain cleaning and repairs were required in the unit after the tenant vacated, and that new tenants were found effective from September 1, 2012.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the landlords have established entitlement to a claim of \$375.00, which is comprised as follows:

\$325.00: *unpaid rent for July*

\$50.00: *filing fee*

I order that the landlords retain the security deposit of \$225.00 and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$150.00 (\$375.00 - \$225.00).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$150.00**. 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: September 06, 2012.

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Residential Tenancy Branch