

DECISION

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

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent or utilities, for damage to the unit, site or property, for money owed or compensation for damage or loss, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend and did not submit any documentary evidence. The Landlord states that the Tenant was served by Canada Post Registered Mail on September 22, 2012. The Landlord indicated that the Tenant did give notice on September 10, 2012 to vacate the rental by September 30, 2012, but overheld the rental unit until October 10, 2012. I accept the undisputed testimony of the Landlord and find the Tenants were properly served with the notice of hearing and evidence package.

The Landlord withdrew the request for an order of possession as the Tenants have vacated the rental unit as of October 10, 2012. As such, no further action is required for this portion of the application.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background, Evidence and Analysis

This Tenancy began on May 15, 2011 on a fixed term tenancy ending on May 15, 2012 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$2,600.00 payable on the 1st of each month and a security deposit of \$1,300.00 and a pet damage deposit of \$1,300.00 was paid.

The Landlord states that the Tenants were served with a 10 day notice to end tenancy dated August 31, 2012 by posting it to the rental unit door on the same date. The notice states that rent of \$1,600.00 was unpaid that was due on August 15, 2012 and that

\$645.00 in unpaid utilities were outstanding after written demand was given. The Landlord states that no further payments were made by the Tenants up to the date of this hearing. The Landlord states that the unit was found empty as of October 10, 2012 and that the Tenants have not provided a forwarding address in writing. The Landlord also seeks unpaid rent for September of \$2,600.00 and October of \$2,600.00.

I accept undisputed testimony of the Landlord and find that the Tenants were served with the 10 day notice to end tenancy for unpaid rent and utilities. The Tenants did not pay the rent and did not file for an application for dispute resolution to dispute the notice. I find based upon the undisputed testimony that no rent has been paid and the Landlord has established a total monetary claim of \$7,445.00. The Landlord is also entitled to recovery of the \$100.00 filing fee. I order that the Landlord retain the \$1,300.00 security deposit and the \$1,300.00 pet damage deposit currently held by the Landlord. I further grant a monetary order under section 67 for the balance due of \$4,945.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$4,945.00.
The Landlord may retain both the security and the pet damage deposits.

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: October 24, 2012.

Residential Tenancy Branch