



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 all or part of the security deposit and pet damage deposit / and recovery of the filing fee.

The landlord attended 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 tenants did not appear. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mail, and the Canada Post website informs that the package was "successfully delivered."

During the hearing the landlord testified that as the tenants have now vacated the unit, the application for an order of possession is being withdrawn.

Issue(s) to be Decided

Whether the landlord is entitled to any of the above 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 April 1, 2012. Monthly rent of \$1,350.00 is due and payable in advance on the first day of each month. A security deposit of \$725.00 and a pet damage deposit of \$300.00 were both collected.

Arising from rent which remained unpaid when due on September 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated September 9, 2012. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is September 30, 2012. Subsequently, the tenants made no further payment toward rent and finished moving the bulk of their possessions out of

the unit by on or about October 13, 2012. The tenants left no forwarding address and the landlord testified that the unit required considerable cleaning. As well, the landlord had to remove refuse and other materials discarded and left behind in the unit. The landlord testified that new renters have been found effective from November 1, 2012.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated September 9, 2012. The tenants neither paid the outstanding rent nor applied to dispute the notice within 5 days of receiving it. Thereafter, the tenants vacated the unit on or about October 13, 2012 without providing a forwarding address.

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

\$1,350.00: unpaid rent for September

\$1,350.00: unpaid rent / loss of rental income for October

\$50.00: filing fee

I order that the landlord retain the security deposit of \$725.00 and the pet damage deposit of \$300.00 (total: \$1,025.00), and I grant the landlord a monetary order for the balance owed of \$1,725.00 (\$2,750.00 - \$1,025.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$1,725.00. This order may be served on the tenants, 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: October 23, 2012.

Residential Tenancy Branch