



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing concerns 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 attended the hearing and gave affirmed testimony. Despite personal service of the application for dispute resolution and notice of hearing (the "hearing package") on September 19, 2012, the tenants did not appear.

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, a copy of which is not in evidence, the fixed term of tenancy is from July 1, 2012 to June 30, 2013. Monthly rent of \$1,800.00 is due and payable in advance on the first day of each month, and a security deposit of \$900.00 was collected.

Arising from rent which was unpaid when due on September 1, 2012, the landlord testified that he issued a 10 day notice to end tenancy for unpaid rent dated September 6, 2012, which was served in-person on the tenants on that same date. Subsequently, the tenants made no further payment toward rent, and are understood to have vacated the unit sometime around mid October 2012. The tenants left the unit keys under the mat, and did not provide a forwarding address.

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

Based on 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 6, 2012. The tenants did not pay the outstanding rent within 5 days of receiving the notice, did not apply to dispute the notice, and vacated the unit without providing a forwarding address sometime in mid October 2012. In the result, I find that the landlord has established entitlement to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$3,650.00, which is comprised as follows:

\$1,800.00: *unpaid rent for September*

\$1,800.00: *unpaid rent for October*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of \$900.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$2,750.00 (\$3,650.00 - \$900.00).

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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 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 18, 2012.

Residential Tenancy Branch