



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR / MNDC, 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 / damage or loss under the Act, Regulation or tenancy agreement, retention of the security deposit / and recovery of the filing fee. The landlord 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, and the Canada Post website informs that the item was "successfully delivered."

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the landlord testified that as the tenant has now vacated the unit, the application for an order of possession is withdrawn.

Issue(s) to be Decided

Whether the landlord is entitled to any of the remaining aspects of the application, as above, under the Act, Regulation or tenancy agreement.

Background and Evidence

The month-to-month tenancy began at an unknown date in 1996, and a written tenancy agreement was created and signed by the parties on October 1, 2006 which reflects this. It is understood that a security deposit of \$205.00 was collected at some stage near the start of tenancy in 1996. Currently, monthly rent of \$613.00 is due and payable in advance on the first day of each month.

Arising from rent which remained unpaid when due on August 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated August 17, 2012. The notice was served by way of posting on the tenant's door on August 18, 2012. A copy of the notice was submitted in evidence. Subsequently, the tenant made no further payment toward rent and he vacated the unit on an unknown date without providing the landlord with a forwarding address. The landlord testified that the unit was found to be

in need of considerable cleaning and repairs, and was unfit for occupancy in September. Despite advertising, no new renters have presently been found.

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 documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated August 17, 2012. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. Subsequently, the tenant vacated the unit on an unknown date without providing the landlord with a forwarding address.

As for the monetary order, I find that the landlord has established entitlement to a claim of \$1,276.00, which is comprised of unpaid rent / loss of rental income for August and September in the amount of \$1,226.00 (2 x \$613.00), in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$205.00 plus interest calculated in the amount of \$28.77 (total: \$233.77), and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,042.23 (\$1,276.00 - \$233.77).

Interest is calculated from October 2, 1996 to the date of this decision, October 2, 2012.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$1,042.23. 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: October 02, 2012.

Residential Tenancy Branch