



# Dispute Resolution Services

Page: 1

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 an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee.

The male landlord attended the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing on the tenants by way of registered mail, the tenants did not appear. Evidence submitted by the landlords includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was “unclaimed by recipient.”

During the hearing the landlord testified that the tenants vacated the unit on or about October 16, 2012 without providing a forwarding address. Accordingly, the landlord withdrew the application for an order of possession.

### Issue(s) to be Decided

Whether the landlords are entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, the fixed term tenancy is from September 1, 2012 to September 1, 2013. Monthly rent of \$1,300.00 is due and payable in advance on the first day of each month. While rent cheques were NSF, the landlords were able to successfully cash a cheque in the amount of \$650.00 for the security deposit.

Arising from rent for September and October which remained unpaid when due on October 1, 2012, the landlords issued a 10 day notice to end tenancy for unpaid rent dated October 2, 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. Subsequently, the

tenants made no further payment toward rent and, as noted above, the tenants vacated the unit on or about October 16, 2012 without providing a forwarding address.

The landlord testified that on-line advertising for new renters began in October, very shortly after the tenants vacated the unit. However, to date, no new renters have been found for the unit.

### 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 male landlord, I find that the landlords have presently established entitlement to compensation in the amount of \$3,950.00, which is comprised as follows:

\$1,300.00: *unpaid rent for September*  
\$1,300.00: *unpaid rent for October*  
\$1,300.00: *loss of rental income for November*  
\$50.00: *filing fee*

I order that the landlords retain the security deposit of \$650.00, and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$3,300.00 (\$3,950.00 - \$650.00).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$3,300.00**. 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: November 14, 2012.

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Residential Tenancy Branch