



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 an application by the landlord 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 in-person service of the application for dispute resolution and notice of hearing (the "hearing package") on October 12, 2012, the tenant did not appear.

During the hearing the landlord testified that, subsequent to filing of the application, the tenant vacated the unit. Accordingly, the landlord withdrew the application for an order of possession.

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, what eventually became a month-to-month tenancy began on May 1, 2000. Currently, the monthly rent is \$860.00, and it is due and payable in advance on the first day of each month. A security deposit of \$330.00 was collected at the start of tenancy.

Arising from rent which remained unpaid when due on October 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 2, 2012. The notice was served in-person on the tenant on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenant made no further payment toward rent, and he vacated the unit on November 4, 2012 without providing a forwarding address. The landlord testified that the unit was found to be in need of considerable cleaning and repairs. As a result of advertising begun in early November, new renters were found effective December 1, 2012.

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 October 2, 2012. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. Thereafter, as earlier noted, the tenant vacated the unit on November 4, 2012 without providing a forwarding address.

As for the monetary order, I find that the landlord has established a claim of \$1,770.00, which is comprised as follows:

\$860.00: *unpaid rent for October*

\$860.00: *unpaid rent / loss of rental income for November*

\$50.00: filing fee

I order that the landlord retain the security deposit of \$330.00 plus interest of \$27.25 [total: \$357.25], and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,412.75 (\$1,770.00 - \$357.25).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,412.75**. 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: November 15, 2012.

Residential Tenancy Branch