



# 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 landlords' application 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 landlord attended the hearing and gave affirmed testimony. The landlord testified that the application for dispute resolution and notice of hearing (the "hearing package") was served on the tenants by way of registered mail. Evidence submitted by the landlords includes the Canada Post tracking number for the registered mail. However, neither tenant appeared.

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 Accordingly, the application for an order of possession is withdrawn.

### 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 tenancy began on August 31, 2012. Total monthly rent is \$1,100.00; a rental payment of \$550.00 is due twice per month. A security deposit of \$550.00 and a pet damage deposit of \$50.00 were both collected.

The landlords issued a 10 day notice to end tenancy for unpaid rent dated October 5, 2012. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. Thereafter, the tenants made no further payment of rent and they vacated the unit around mid-November without providing a forwarding address.

### 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 October 5, 2012. The tenants did not pay the outstanding rent within 5 days of receiving the notice, they did not apply to dispute the notice, and they vacated the unit without providing a forwarding address around mid-November 2012.

As for the monetary order, I find that the landlords have established entitlement to a claim of \$2,800.00, which is comprised as follows:

\$550.00: *unpaid rent for September*  
\$1,100.00: *unpaid rent for October*  
\$1,100.00: *unpaid rent for November*  
\$50.00: *filing fee*

I order that the landlords retain the security deposit of \$550.00 and the pet damage deposit of \$50.00 (total: \$600.00), and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$2,200.00 (\$2,800.00 - \$600.00).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$2,200.00**. 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 29, 2012.

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Residential Tenancy Branch