



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 / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee.

Agents representing the landlord attended the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by 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."

As the tenant has vacated, the application for an order of possession is withdrawn.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 under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from October 1, 2012 to September 30, 2013. Monthly rent of \$2,200.00 is due and payable in advance on the first day of each month, and a security deposit of \$1,100.00 was collected.

Arising from rent which remained unpaid when due on December 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated December 18, 2012. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenant made no further payment toward rent, vacated the unit on a particular date unknown, and left no forwarding address. The landlord undertook carpet cleaning and other general cleaning in the unit, and is presently still advertising for new renters.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agents, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated December 18, 2012. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant vacated the unit on an unknown date and did not provide a forwarding address.

As for the monetary order, I find that the landlord has established a claim of \$4,655.00:

\$2,200.00: *unpaid rent for December 2012*

\$25.00: *fee assessed for late payment of rent (pursuant to the addendum to the tenancy agreement)*

\$25.00: *NSF fee (pursuant to the addendum to the tenancy agreement)*

\$130.00: *carpet cleaning*

\$2,200.00: *loss of rental income for January 2013*

\$25.00: *fee assessed for late payment of rent*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of \$1,100.00, and I grant the landlord a **monetary order** for the balance owed of **\$3,555.00** (\$4,655.00 - \$1,100.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$3,555.00**. 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: January 28, 2013

Residential Tenancy Branch

