



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 an application by the landlord 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 in-person on the tenants on January 9, 2013. Despite this, the tenants did not appear at the hearing.

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

The landlord testified that pursuant to a written tenancy agreement, the fixed term of tenancy is from May 1, 2012 to May 31, 2013. Monthly rent of \$1,450.00 is due and payable in advance on the first day of each month, and a security deposit of \$725.00 was collected.

Arising from rent which remained unpaid in full when due on November 1, 2012, the landlord testified that he issued a 10 day notice to end tenancy for unpaid rent dated November 17, 2012, which was personally served on the tenants on that same date. Subsequently, on November 21, 2012 the tenants paid the full balance of rent due for November in the amount of \$250.00.

Thereafter, on December 9, 2012, the tenants made a late payment toward December's rent in the limited amount of \$725.00. The tenants made no further payments toward

rent and they vacated the unit sometime in January 2013 after being served with the hearing package. No forwarding address was provided.

In addition to compensation for unpaid rent in December 2012 and January 2013, the landlord seeks compensation for loss of rental income for February 2013.

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 tenants were served with a 10 day notice to end tenancy for unpaid rent dated November 17, 2012. The tenants paid the overdue rent in the full amount of \$250.00 on November 21, 2012. Pursuant to section 46(4) of the Act, as the tenants paid all overdue rent within 5 days following service of the 10 day notice, the 10 day notice is of no effect.

Despite the above, after paying only a portion of rent due for December 2012 and paying no rent whatsoever for January 2013, the tenants abandoned the unit in January 2013 on a particular date unknown after being served with the hearing package.

As for compensation, I find that the landlord has established entitlement to **\$2,225.00**, which is comprised as follows:

\$725.00: *unpaid rent for December 2012*
\$1,450.00: *unpaid rent for January 2013*
\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$725.00**, and I grant the landlord a **monetary order** for the balance owed of **\$1,500.00** (\$2,225.00 - \$725.00).

As to the landlord's application for compensation arising from loss of rental income for February 2013, I find that such an application is premature. Accordingly, this aspect of the application is hereby dismissed with leave to reapply.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the

landlord in the amount of **\$1,500.00**. 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: January 31, 2013

Residential Tenancy Branch

