



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 and gave affirmed testimony. The tenant did not appear, however, the landlord testified that the application for dispute resolution and notice of hearing (the "hearing package") was served by registered mail. Evidence provided by the landlord includes the Canada Post tracking number for the registered mail.

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 October 1, 2012 to September 30, 2013. Monthly rent of \$625.00 is due and payable in advance on the first day of each month, and a security deposit of \$312.50 was collected.

Arising from rent which remained unpaid in full when due on January 1, 2013, the landlord testified that he issued a 10 day notice to end tenancy for unpaid rent dated January 2, 2013, which was personally served on the tenant on that same date. Subsequently, the tenant made no further payment toward rent and vacated the unit on a particular date unknown, without providing a forwarding address.

In addition to compensation for unpaid rent for 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 principally on 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 January 2, 2013. 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 is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Thereafter, the tenant vacated the unit on an unknown date without providing a forwarding address. Following from all the foregoing, I find that the landlord has established entitlement to an **order of possession**.

As for the monetary order, I find that the landlord has established a claim of **\$675.00**, which is comprised as follows:

\$625.00: *unpaid rent for January 2013*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$312.50**, and I grant the landlord a **monetary order** for the balance owed of **\$362.50** (\$675.00 - \$312.50).

As to the landlord's application for compensation arising from the 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

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$362.50**. 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 31, 2013

Residential Tenancy Branch

