



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing concerns 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 / and recovery of the filing fee.

The landlord's agent attended the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the tenants did not appear. Evidence submitted by the landlord includes the Canada Post tracking numbers 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

Pursuant to a written tenancy agreement, the tenancy began on March 1, 2012. Monthly rent of \$975.00 is due and payable in advance on the first day of each month, and a security deposit of \$487.50 was collected.

Arising from rent which remained unpaid when due on January 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated January 2, 2013. The notice was served by way of being affixed to the tenants' door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is January 15, 2013. Subsequently, the tenants made no further payment toward rent, and they vacated the unit on an unknown date without providing a forwarding address. Upon entry, the landlord found that the unit required cleaning and that it was not immediately suitable for new renters.

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's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated January 2, 2013. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. Thereafter, the tenants vacated the unit on an unknown date and did not provide a forwarding address. Following from the foregoing I consider the application for an order of possession to be withdrawn.

As for the **monetary order**, I find that the landlord has established entitlement to a claim of **\$2,040.00**, which is comprised as follows:

- \$975.00: unpaid rent for January
- \$20.00: fee assessed for late payment of rent
- \$975.00: unpaid rent for February
- \$20.00: fee assessed for late payment of rent
- \$50.00: filing fee

The landlord has not applied to retain the security deposit.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,040.00**. 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: February 18, 2013

Residential Tenancy Branch

