



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 was scheduled in response to the landlord's application for an order of possession / a monetary order for 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 and gave affirmed testimony.

Despite in-person service of the application for dispute resolution and notice of hearing (the "hearing package") on April 17, 2013, the tenant did not appear.

The landlord's agent testified that the tenant vacated the unit sometime in April 2013 and did not provide a forwarding address. In the result, the landlord has withdrawn the request for an order of possession.

The landlord's agent's request during the hearing to amend the application to include retention of the security and pet damage deposits is hereby granted.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from December 1, 2012 to May 31, 2013. Monthly rent of \$695.00 is due and payable in advance on the first day of each month. A security deposit of \$347.50 and a pet damage deposit of \$140.00 were collected.

Arising from rent which remained unpaid in full when due on April 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated April 2, 2013. 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. The date shown on the notice by when the tenant must vacate the unit is April 15, 2013. Subsequently, the tenant made no further payment toward rent and he vacated the unit on a particular date unknown, without providing a forwarding address. Despite advertising, new renters have not been found.

Analysis

As for the **monetary order**, based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the landlord has established a claim of **\$1,475.00**:

- \$690.00: *unpaid rent for April (reflects application of a \$5.00 credit)*
- \$20.00: *fee assessed for late payment of rent*
- \$695.00: *unpaid rent / loss of rental income for May*
- \$20.00: *fee assessed for late payment of rent*
- \$50.00: *filing fee*

I order that the landlord retain the security deposit of \$347.50 and the pet damage deposit of \$140.00 [**total: \$487.50**], and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$987.50** (\$1,475.00 - \$487.50).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$987.50**. 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: May 13, 2013

Residential Tenancy Branch