



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNR

### Introduction

This hearing was scheduled in response to the landlord's application for an order of possession for unpaid rent or utilities / and a monetary order for compensation for unpaid rent or utilities. The landlord attended 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 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."

### Issue(s) to be Decided

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

### Background and Evidence

There is no written tenancy agreement for this tenancy which began in March 2012. Monthly rent of \$900.00 is due and payable in advance on the first day of each month, and a security deposit of \$450.00 was collected.

Arising from rent which remained unpaid when due on March 1, 2013 in the amount of \$400.00, the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 28, 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 8, 2013. Subsequently, the tenant made no further payment toward rent, and he vacated the unit sometime in late April without providing a forwarding address. As the tenant has vacated the unit the landlord withdrew the application for an order of possession.

### Analysis

Based on the documentary evidence and 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 March 28, 2013. The tenant did not pay any portion of the outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. Thereafter, the tenant vacated the unit without providing a forwarding address.

As for the **monetary order**, I find that the landlord has established a claim of **\$1,300.00**, which is comprised as follows:

\$400.00: unpaid rent for March

\$900.00: unpaid rent for April

As to the disposition of the security deposit, the landlord testified that the tenant instructed her to retain it and apply it against rent that was owed, at some stage during the tenancy which predated the issuance of the 10 day notice.

The landlord testified that the tenant also owes compensation for certain utilities. However, the application does not include any related details, and there is no documentary evidence before me in support of such a claim.

Further, the landlord testified that certain cleaning and repairs are required in the unit before it is suitable for new renters. As a result, the landlord considers there may be a claim for loss of rental income. However, the application does not specifically include a request for a monetary order for compensation for damage or loss under the Act, Regulation or tenancy agreement (MNDC), and there is no documentary evidence before me in support of such a claim.

With regard to the landlord's inquiry around possessions left behind at the unit by the tenant, attention is drawn to Part 5 of the Residential Tenancy Regulation which speaks to **Abandonment of Personal Property** (sections 24 to 30). 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](http://www.rto.gov.bc.ca)

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,300.00**. 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: May 08, 2013

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Residential Tenancy Branch

