



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MND, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, compensation for damage and damage or loss under the Act, to retain all or part of the security deposit, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on April 5, 2013 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail at the address noted on the Application. The landlord used the tenant's postal box address that he had previously been given. During the hearing the landlord checked the Canada Post web site and determined that the tenant had signed, accepting the mail on April 9, 2013 at 1:28 p.m.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

Preliminary Matters

The landlord withdrew all but the portion of his application requesting compensation for unpaid rent and the filing fee costs. The landlord has leave to reapply within the legislated time-frames.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on December 20, 2012, rent was \$850.00 per month, due on the 21st day of each month. A deposit in the sum of \$425.00 was paid. A copy of the tenancy agreement was supplied as evidence.

The tenant vacated the rental unit as the result of a 10 Day Notice to End Tenancy that posted to the door on March 17, 2013. When the landlord went to the unit on March 22, 2013 the tenant had vacated and a copy of the Notice was left on the counter. The tenant did not pay the rent owed and did not supply a written forwarding address.

The landlord has claimed compensation for the loss of rent owed from January 21, 2012 to April 20, 2013 inclusive in the sum of \$2,550.00.

Analysis

In the absence of evidence to the contrary, I find that the tenant was served with a Notice to End Tenancy that required the tenant to vacate the rental unit on March 27, 2013 as the result of a failure to pay rent. Rather than pay the rent the tenant vacated the Notice before the effective date of the Notice.

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of \$2,550.00 from January 21, 2013 to April 20, 2013 inclusive. Therefore; pursuant to section 67 of the Act, I find the landlord is entitled to compensation in the sum of \$2,550.00.

I find that the landlord's application has merit and that the landlord is entitled to recover the \$50.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$2,600.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to a monetary Order for unpaid rent and filing fee costs

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 27, 2013

Residential Tenancy Branch

