



# 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 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 / retention of the security deposit / and recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord testified that she served the tenant with the application for dispute resolution and notice of hearing (the "hearing package") in-person on July 29, 2013. Despite this, the tenant did not appear.

### 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 July 1, 2010. Monthly rent of \$1,385.00 is due and payable in advance on the first day of each month, and a security deposit of \$692.50 was collected.

Arising from rent which remained unpaid when due on July 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 14, 2013. The notice was served by way of posting on the unit door on July 15, 2013. Subsequently, the tenant made no further payment toward rent and she vacated the unit by the end of July 2013.

Upon attending the unit on August 2, 2013, the landlord found that the tenant had left certain possessions and garbage behind, and that the unit required cleaning and miscellaneous repairs. The landlord testified that not all cleaning and repairs have been completed, and that all receipts are therefore not yet available. Further, as cleaning and repairs have not been completed, new renters have not presently been found.

The tenant left no forwarding address. As the tenant effectively vacated the unit, I consider the application for an order of possession to be withdrawn.

Documentary evidence includes e-mail exchanges between the parties as well as photographs taken within and around the unit. The e-mail exchanges speak, in part, to unpaid rent which is further to the overdue amount for July 2013. Further to \$1,385.00 unpaid for July, the landlord testified that additional unpaid rent in the total amount of \$595.00 is as follows:

\$410.00: *May & June 2012*

\$100.00: *November 2012*

\$85.00: *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](http://www.rto.gov.bc.ca)

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 July 14, 2013. The tenant did not pay the outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. Thereafter, the tenant vacated the unit sometime in July without making any further payments toward rent and without providing a forwarding address.

As for the monetary order, I find that the landlord has established entitlement to a claim of **\$2,722.50**, as follows:

\$1,385.00: *unpaid rent for July 2013*

\$692.50: *loss of rental income from August 1 to 15, 2013*

\$595.00: *other miscellaneous unpaid rent as above*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$692.50**, and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$2,030.00** (\$2,722.50 - \$692.50).

The landlord's application for loss of rental income for the period August 16 to 31, 2013, as well as for compensation related to cleaning and repairs are hereby dismissed with leave to reapply.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,030.00**. 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: August 13, 2013

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Residential Tenancy Branch

