



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Columbia Property Management Ltd.  
and [tenant name suppressed to protect privacy]

## **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's agent attended and gave affirmed testimony.

The landlord's agent testified that as the tenant has vacated the unit, the application for an order of possession is withdrawn.

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 "unclaimed by recipient."

### 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 fixed term of tenancy is from January 1 to June 30, 2013. Thereafter, the tenancy continued on a month-to-month basis. Monthly rent of \$800.00 is due and payable in advance on the first day of each month, and a security deposit of \$400.00 was collected. A move-in condition inspection report was completed with the participation of both parties.

By e-mail dated June 27, 2013, the tenant informed the landlord as follows: "I want to tell you that I am going to go out of my apartment by the end of July 2013."

Thereafter, arising from rent which was unpaid when due on July 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 5, 2013. The notice was served by way of posting on the unit 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 July 15, 2013. Subsequently, the tenant made no further payment toward rent and vacated the unit without providing a forwarding address. A move-out condition inspection report was completed by the landlord in the absence of the tenant.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated July 5, 2013. The tenant did not pay the outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. It appears that the tenant then vacated the unit sometime later in July 2013, and failed to provide the landlord with a forwarding address.

As for the monetary order, I find that the landlord has established a claim of **\$875.00**:

*\$800.00: unpaid rent for July; \$25.00: fee for late payment of rent; \$50.00: filing fee*

I order that the landlord retain the security deposit of **\$400.00**, and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$475.00** (\$875.00 - \$400.00).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$475.00**. 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 28, 2013

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Residential Tenancy Branch

