



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wesley Place Limited / Pacifica First Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, 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 / retention of the security deposit / and recovery of the filing fee. The landlord's agent attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by 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."

As the tenant has now vacated the unit, the landlord withdrew the application for an order of possession.

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 original fixed term of tenancy was from August 1, 2011 to July 31, 2012. A security deposit of \$600.00 was collected on June 30, 2011. The parties entered into a second fixed term of tenancy from August 1, 2012 to July 31, 2013. Monthly rent in the second fixed term was \$1,235.00, and it was due and payable in advance on the first day of each month. Pursuant to the tenancy agreement, the tenant was required to vacate the unit at the end of the fixed term.

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 9, 2013. The notice was served by

way of posting on the unit door on July 9, 2013. 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 19, 2013. Subsequently, the tenant made no further payment toward rent, and it is understood that he vacated the unit on an unknown date prior to July 31, 2013. While the keys were left behind in the unit, the tenant provided no forwarding address.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the landlord has established entitlement to compensation in the amount of **\$1,310.00**, as follows:

\$1,235.00: *unpaid rent for July 2013*

\$25.00: *NSF fee*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$600.00**, and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$710.00** (\$1,310.00 - \$600.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$710.00**. 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: September 04, 2013

Residential Tenancy Branch

