



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, FF

### Introduction

This is an application filed by the Landlord for a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing and submitted evidence package by Canada Post Registered Mail on July 4, 2013. The Landlord has provided a copy of the Canada Post Customer Receipt Tracking number as confirmation.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

### Background and Evidence

This tenancy began on November 15, 2011 on a fixed term tenancy until November 30, 2012 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$700.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$350.00 was paid on November 15, 2011. The Landlord states that the Tenant vacated the rental unit on June 15, 2013.

The Landlord states that the Tenant gave verbal notice to vacate the rental unit on May 15, 2013 for June 15, 2013. The Landlord stated that he had asked for written notice to confirm these dates and that the Tenant failed to provide such. The Landlord states that he was able to re-rent the unit for July 1, 2013 after the Tenant vacated the rental unit on June 15, 2013. The Landlord seeks a monetary claim for \$700.00 for June 2013 rent. The Landlord also stated in his direct testimony that he served a 10 day notice to

end tenancy issued for unpaid rent on June 1, 2013, but that the Tenant failed to pay any rent up to the date of this hearing.

### Analysis

I accept the undisputed evidence of the Landlord and find that a claim for unpaid rent has been established for \$700.00 for the month of June 2013. The Tenant failed to provide proper written notice to vacate the rental unit and the Landlord made reasonable attempts to mitigate any losses by re-renting the unit for July 1, 2013. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$350.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$400.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The Landlord is granted a monetary order for \$400.00.  
The Landlord may retain the security deposit.

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: October 03, 2013

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Residential Tenancy Branch

