



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Gateway Property Management Corporation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: OPR, MNR, MND, 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 to the unit, site or property / 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.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") at the unit front door on October 21, 2013, neither tenant appeared.

The landlord testified that by November 24, 2013 both tenants had vacated the unit. Accordingly, the landlord withdrew the application for an order of possession.

### 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, tenancy began on October 1, 2013. Monthly rent of \$860.00 is due and payable in advance on the first day of each month, and a security deposit of \$440.00 was collected.

Arising from rent which remained unpaid when due on October 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 3, 2013. The notice was served by way of posting on the unit door on that same date. Subsequently, the tenants made no further payment toward rent and by November 24, 2013, both of them had vacated the unit without providing a forwarding address.

The landlord's agent testified that the unit was found in need of cleaning and painting. The landlord's agent also testified to his understanding which is that advertising for new renters has not yet been undertaken. Finally, the landlord's agent testified that move-in and move-out condition inspection reports were completed, however, a copy of neither is in evidence before me.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated October 3, 2013. The tenants paid no rent, did not apply to dispute the notice, and vacated the unit by November 24, 2013 without providing a forwarding address. I therefore find the landlord has established a claim of **\$1,770.00**:

**\$860.00**: *unpaid rent October* & **\$860.00**: *unpaid rent November* & **\$50.00**: *filing fee*

I order that the landlord retain the security deposit of **\$440.00**, and I grant the landlord a **monetary order** for the balance owed of **\$1,330.00** (\$1,770.00 - \$440.00).

In the absence of copies of the comparative results of move-in and move-out condition inspection reports, or evidence of efforts undertaken by the landlord to mitigate the loss of rental income by advertising for new renters, the aspect of the application concerning loss of rental income for December 2013 is 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 **\$1,330.00**. This order may be served on the tenants, 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: December 02, 2013

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Residential Tenancy Branch

