



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding B. C. Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent or utilities / 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 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."

As the tenant has now vacated the unit, I consider the application for an order of possession to be withdrawn.

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 original 5 month fixed term of tenancy was from May 1 to September 31, 2010. Pursuant to another written tenancy agreement, what became a month-to-month tenancy began on October 1, 2010. Monthly rent is due and payable in advance on the first day of each month.

The landlord issued 3 separate "10 day notices to end tenancy for unpaid rent or utilities" dated, respectively, August 8, September 10 and October 8, 2013, all of which were served by way of posting on the unit door. Copies of all notices were submitted in evidence.

The landlord also issued a “2 month notice to end tenancy because the tenant does not qualify for subsidized rental unit” by date of September 20, 2013. The notice was served by way of regular mail. A copy of the notice was submitted in evidence.

Subsequently, the tenant has made no further payment toward rent and she vacated the unit without providing a forwarding address on October 31, 2013.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord’s agent, I find that the tenant was served with 3 separate “10 day notices to end tenancy for unpaid rent or utilities,” and a “2 month notice to end tenancy because the tenant does not qualify for subsidized rental unit.” The tenant did not pay any portion of the outstanding rent or file an application to dispute any of the 4 separate notices to end tenancy, before vacating the unit effective October 31, 2013.

As for compensation, I find that the landlord has established a claim of **\$1,591.61**:

\$379.00: *unpaid rent August*

\$379.00: *unpaid rent September*

\$597.00: *unpaid rent October*

\$186.61: *unpaid gas for the period February 28 to April 2, 2013*

\$50.00: *filing fee*

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,591.61**. 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: December 10, 2013

Residential Tenancy Branch

