



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CAPREIT  
and [tenant name suppressed to protect privacy]

## **DECISION**

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

The landlord's agent testified that the application for dispute resolution and notice of hearing (the "hearing package") were served by way of registered mail. Evidence submitted by the landlord includes that Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "unclaimed by recipient." The landlord's agent also testified that it was determined on November 26, 2013, that the tenant had vacated the unit without providing a forwarding address. In the result, I consider the landlord's application for an order of possession to be withdrawn.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 fixed term of tenancy is from September 1, 2013 to August 31, 2014. Monthly rent of \$840.00 is due and payable in advance on the first day of each month, and a security deposit of \$420.00 was collected.

Arising from rent which remained unpaid when due on November 1, 2013, the landlord issued a 10 day notice to end tenancy dated November 6, 2013. The notice was served by way of posting on the unit door on that same date. Subsequently, the tenant made no further payments, and she later vacated the unit before November 26, 2013. The landlord's agent testified that advertising was undertaken on-line and by way of the landlord's website, and that new renters were found effective from January 24, 2014.

### 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 November 6, 2013. The tenant did not pay the outstanding rent and did not apply to dispute the notice before vacating the unit before November 26, 2013. Accordingly, I find that the landlord has established a claim of **\$2,353.30**:

\$840.00: *unpaid rent November 2013*

\$840.00: *unpaid rent / loss of rental income December 2013*

\$623.30: *pro-rated unpaid rent / loss of rental income from January 1 to 23, 2014*

\$50.00: *filing fee*

Section 72 of the Act addresses **Director's orders: fees and monetary orders**, in part:

72(2) If the director orders a party to a dispute resolution proceeding to pay any amount to the other, including an amount under subsection (1), the amount may be deducted

(b) in the case of payment from a tenant to a landlord, from any security deposit or pet damage deposit due to the tenant.

I order that the landlord retain the security deposit of **\$420.00**, and I grant the landlord a **monetary order** for the balance owed of **\$1,933.30** (\$2,353.30 - \$420.00).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,933.30**. 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: January 15, 2014

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Residential Tenancy Branch

