



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

### Introduction

This hearing was scheduled in response to an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent / 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's agent attended and gave affirmed testimony. The landlord's agent testified that the tenant vacated the unit on November 30, 2013. Accordingly, the landlord's agent withdrew the application for an order of possession.

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."

### Issue(s) to be Decided

Whether the landlords are 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 July 1, 2013 to June 30, 2014. Monthly rent of \$990.00 is due and payable in advance on the first day of each month, and a security deposit of \$495.00 was collected.

Arising from rent which was unpaid when due on November 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated November 11, 2013. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is November 24, 2013. Subsequently, the tenant made no further payment toward rent, and she vacated the unit on November 30, 2013 without providing

a forwarding address. The landlord's agent testified that the unit was found to be in need of cleaning and certain repairs after the tenant vacated.

### 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 11, 2013. The tenant did not pay any portion of the outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant vacated the unit on November 30, 2013 and provided no forwarding address.

As for compensation, I find that the landlords have established a claim of **\$1,535.00**:

\$990.00: *unpaid rent for November 2013*

\$495.00: *unpaid rent / loss of rental income for the period December 1-15, 2013*

\$50.00: *filing fee*

I order that the landlords retain the security deposit of **\$495.00**, and I grant the landlords a **monetary order** for the balance owed of **\$1,040.00** (\$1,535.00 - \$495.00).

The landlords' application for unpaid rent / loss of rental income for the period December 16 - 31, 2013, and January 2014 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 landlords in the amount of **\$1,040.00**. 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: January 09, 2014

---

Residential Tenancy Branch

