



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 attended and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing (the "hearing package") in-person on February 24, 2014, neither tenant appeared.

The landlord testified that the tenants vacated the unit at the end of February 2014. Accordingly, I consider the application for an order of possession to be withdrawn.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on August 15, 2013. Monthly rent of \$900.00 was due and payable in advance on the first day of each month, and a security deposit of \$450.00 was collected.

Arising from rent which remained unpaid when due on January 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated January 19, 2014. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is January 31, 2014. Subsequently, however, the tenants made no further payment toward rent and they vacated the unit at the end of February 2014. The landlord testified that the tenants provided no forwarding address.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for

unpaid rent dated January 19, 2014. The tenants did not pay any portion of the outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. Thereafter, the tenants vacated the unit at the end of February 2014.

As for compensation, I find that the landlord has established a claim of **\$2,150.00**:

\$300.00: *unpaid rent December 2013*

\$900.00: *unpaid rent January 2014*

\$900.00: *unpaid rent February 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.

Following from all the above, I order that the landlord retain the security deposit of **\$450.00**, and I grant the landlord a **monetary order** for the balance owed of **\$1,700.00** (\$2,150.00 - \$450.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,700.00**. 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: April 14, 2014

Residential Tenancy Branch

