



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Homelife Peninsula Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR, MNDC, MNSD, FF

Introduction

This hearing concerns the landlord's application for a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security and pet damage deposits / 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") on each tenant by way of registered mail, neither tenant appeared. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mail; the Canada Post website informs that both items were "unclaimed by recipient" and that ultimately both items were "successfully returned to the sender."

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

Tenancy originally began on June 01, 2010. Pursuant to a written tenancy agreement, the current fixed term of tenancy is from June 01, 2013 to May 31, 2014. Monthly rent of \$1,450.00 is due and payable in advance on the first day of each month. A security deposit of \$725.00 and a pet damage deposit of \$200.00 were collected on May 19, 2010. The landlord's agent testified that a move-in condition inspection report was completed at the start of tenancy.

Arising from rent which remained unpaid when due on January 01, 2014, the landlord issued a 10 day notice to end tenancy dated January 15, 2014. 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 tenants must vacate

the unit is January 25, 2014. Subsequently, the tenants made no further payment toward unpaid rent and they vacated the unit on March 10, 2014 without providing a forwarding address. The landlord's agent testified that a move-out condition inspection report was completed after the tenants had vacated the unit. It is understood that the unit was found to be in need of cleaning and repairs. New renters have not been found, however, the unit is currently being advertised for rent.

Analysis

Based on the documentary evidence which includes but is not limited to a detailed ledger, and the affirmed / undisputed testimony of the landlord's agent, I find that the landlord has established a claim of \$5,280.00, which is variously comprised of unpaid rent in addition to fees assessed for late payment of rent and NSF cheques. The landlord's agent testified that no compensation is presently being sought in relation to unpaid rent / loss of income after February 28, 2014. As the landlord has succeeded with the application I find that the landlord has also established entitlement to recovery of the full \$100.00 filing fee [**total entitlement: \$5,380.00** (\$5,280.00 + \$100.00)].

I order that the landlord retain the security deposit of \$725.00 and the pet damage deposit of \$200.00 [**total: \$925.00**], and I grant the landlord a **monetary order** for the balance owed of **\$4,455.00** (\$5,380.00 - \$925.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$4,455.00**. 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: June 05, 2014

Residential Tenancy Branch

