



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, 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 / retention of the security deposit / and recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord's application for dispute resolution and notice of hearing was served by way of registered mail. Evidence provided by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "successfully delivered." Despite this, the tenant did not appear.

The landlord testified that the tenant vacated the unit by on or about May 17, 2014. The tenant did not inform the landlord of his 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 In the result, I consider the landlord's application for an order of possession to be withdrawn.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 the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on January 12, 2012. Monthly rent of \$785.00 is due and payable in advance on the first day of each month, and a security deposit of \$392.50 was collected.

Arising from rent of \$392.50 which remained unpaid when due on April 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated April 04, 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 tenant must vacate the unit is April 14, 2014. Subsequently, towards the end of April 2014 the landlord received a cheque from the Ministry in the limited amount of \$375.00, leaving a balance

of unpaid rent for April 2014 of \$17.50 (\$392.50 - \$375.00). No rent payment whatsoever was received by the landlord for May 2014.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated April 04, 2014. The full amount of outstanding rent was not paid within 5 days of the tenant's receipt of the notice, and the tenant did not apply to dispute the notice. Thereafter, the tenant vacated the unit in mid-May 2014 without providing a forwarding address.

As for compensation, I find that the landlord has established a claim of **\$852.50**:

\$17.50: *balance of unpaid rent for April 2014*
\$785.00: *unpaid rent for May 2014*
\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$392.50**, and I grant the landlord a **monetary order** for the balance owed of **\$460.00** (\$852.50 - \$392.50).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$460.00**. 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: June 16, 2014

Residential Tenancy Branch

