



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing concerns the landlord's application for a monetary order as compensation for unpaid rent / compensation for damage to the unit, site or property / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee.

While the landlord appeared at the hearing and gave affirmed testimony, the tenant did not attend. The landlord filed her application for dispute resolution on July 17, 2014. The landlord testified that the application for dispute resolution, the notice of hearing, and related documentary evidence were sent to the tenant by way of registered mail. Evidence provided by the landlord includes the Canada Post tracking number for the registered mail. The Canada Post website informs that the package was "accepted at the Post Office" on July 23, 2014, that it was ultimately "unclaimed by recipient," and that it was subsequently "successfully returned to the sender."

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 fixed term tenancy is from April 01, 2014 to March 31, 2015. Monthly rent is \$1,100.00 and a security deposit of \$550.00 was collected.

A previous hearing was held on July 14, 2014. Pursuant to the decision issued by that same date, an order of possession and a monetary order were issued in favour of the landlord. The monetary order of \$75.00 reflects a \$25.00 fee assessed for late payment of June's rent, in addition to recovery of the \$50.00 filing fee. The order of possession was posted on the tenant's door on July 17, 2014. The landlord testified that the tenant vacated the unit on July 29, 2014, and did not provide a forwarding address.

Arising from rent which was unpaid when due for July, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 02, 2014. The notice was served by posting to the unit door on July 03, 2014. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is July 16, 2014. Subsequently, the tenant made no further payment toward rent before vacating. The landlord testified that as a result of online advertising, she succeeded in finding a new renter effective from mid- August 2014.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the landlord has established entitlement to a claim of **\$1,850.00**:

\$1,100.00: *unpaid rent for July 2014*

\$25.00: *fee assessed for late payment of rent*

\$550.00: *unpaid rent / loss of rental income from August 1 to 15, 2014*

\$25.00: *fee assessed for late payment of rent*

\$100.00: *estimated replacement cost of fire damaged outdoor planter*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$550.00**, and I grant the landlord a **monetary order** for the balance owed of **\$1,300.00** (\$1,850.00 - \$550.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,300.00**. 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: December 17, 2014

Residential Tenancy Branch

