



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing concerns the landlord's application 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 (the "landlord") attended and gave affirmed testimony.

The landlord testified that the tenants vacated the unit sometime between December 6 and 8, 2014. Accordingly, the landlord withdrew the application for an order of possession.

The landlord testified that the application for dispute resolution and the notice of hearing were served on each tenant by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking numbers for each of the 2 items of registered mail. Despite this method of service, neither tenant appeared.

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 term of tenancy is from September 01, 2014 to August 31, 2015. Monthly rent of \$1,030.00 is due and payable in advance on the first day of each month, and a security deposit of \$515.00 was collected.

Arising from rent which was unpaid when due on November 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated November 2, 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 November 15, 2014. Subsequently, and as previously noted, the

tenants vacated the unit in early December 2014. The landlord also testified that the tenants made no further payment toward rent after service of the notice, and neither did they provide a forwarding address. Despite online advertising and a sign posted on the property, new renters have not presently been found.

Analysis

Based on the documentary evidence and affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy dated November 02, 2014. The tenants did not dispute the notice within 5 days of receiving it, and they made no further payment toward rent before vacating the unit in early December 2014 without providing a forwarding address. As for compensation, I find that the landlord has established a claim of **\$2,160.00**:

\$1,030.00: *unpaid rent for November*
\$25.00: *fee assessed for late payment of rent*
\$1,030.00: *unpaid rent / loss of rental income for December*
\$25.00: *fee assessed for late payment of rent*
\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$515.00**, and I grant the landlord a **monetary order** for the balance owed of **\$1,645.00** (\$2,160.00 - \$515.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,645.00**. Should it be necessary, 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: December 15, 2014

Residential Tenancy Branch

