



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing was scheduled in response to an application by the landlord for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage to the unit, site or property / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing by way of registered mail, the tenants did not appear. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mail.

As the tenants vacated the unit on or about July 13, 2012, during the hearing the landlord withdrew the application for an order of possession.

For the present time the landlord also withdrew the application for a monetary order as compensation for damage to the unit, site or property.

The landlord's request during the hearing to amend the application to include an application to retain the security deposit is so granted.

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 November 1, 2008. While monthly rent began at \$1,400.00, it was later reduced to \$1,200.00. Rent was due and payable in advance on the first day of each month, and a security deposit of \$700.00 was collected.

Arising from rent which remained unpaid when due on July 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 3, 2012. The notice was

served in person on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants made no further payment toward rent and vacated the unit on or about July 13, 2012, without notice and without providing a forwarding address.

Analysis

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

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 for unpaid rent dated July 3, 2012. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. Thereafter, the tenants vacated the unit on or about July 13, 2012.

As for the monetary order, I find that the landlord has established a claim of \$1,250.00, which is comprised of unpaid rent for July of \$1,200.00, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$700.00, plus interest of \$1.75 (total: \$701.75), and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$548.25 (\$1,250.00 - \$701.75).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$548.25. 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: July 31, 2012.

Residential Tenancy Branch