



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 is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing package at the Tenant's work place by Canada Post Registered Mail on July 9, 2013 because the Tenant failed to provide a forwarding address in writing after the end of the tenancy up to including the date of this hearing. The Landlord has provided in his direct testimony the Canada Post Registered Mail Tracking number as confirmation. Upon review of the Canada Post website for the above mentioned Customer Receipt Tracking number, it shows that the package was received on July 11, 2013 and signed for by X.Z. Although the Landlord failed to follow the rules of procedure in service of the notice of hearing package, I accept the undisputed testimony of the Landlord and find that the Tenant accepted and signed for the package at his place of work. The Tenant is deemed to have been properly served.

At the beginning of the hearing, the Landlord also clarified that when he filed an application for dispute resolution on July 5, 2013, the Tenant had already vacated the rental unit on June 23, 2013 and as such no longer requires an order of possession. No further action is required for this portion of the application as such.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

The Landlord stated in his direct testimony that the Tenant vacated the rental unit on June 23, 2013 without notice or paying the rent for June 2013. The Landlord seeks a prorated rent of \$1,188.00 for June 1 to 23, 2013, \$126.00 for cleaning the rental unit and \$157.50 for garbage dump fees. The Landlord states that the Tenant left the unit dirty requiring cleaning and the dumping of garbage after the end of the tenancy. The Landlord also states that the Tenant has failed to provide a forwarding address in writing.

Analysis

On a balance of probabilities I accept the Landlord's undisputed testimony and find that a claim has been established for the total amount of \$1,471.50. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$775.00 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$746.50. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$746.50.
The Landlord may retain the security deposit.

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: October 08, 2013

Residential Tenancy Branch

