# Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes: OPR, OPB / 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 attended the hearing and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail to both tenants, neither tenant appeared. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mail, and the Canada Post website informs that both items were "successfully delivered."

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement the tenancy began on June 01, 2013. Monthly rent of $1,200.00 and monthly parking of $40.00 [total: $1,240.00] are both due and payable in advance on the first day of each month. A security deposit of $600.00 was collected, and the landlord's agent testified that a move-in condition inspection report was completed.

Arising from rent which remained unpaid when due on June 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 02, 2014. The notice was served by way of posting on the unit door. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is June 15, 2014. Tenant "CW" was the first tenant to vacate the unit on date not confirmed, and provided no forwarding address. Subsequently, tenant "LF" gave notice in early June that she would be vacating the unit effective June 30, 2014. Tenant "LF" and the landlord's agent participated together in the completion of a move-out condition inspection report on June 30, 2014, at which time tenant "LF" also provided the landlord with her forwarding address.

The landlord's agent testified that despite online advertising, it was not until August 1, 2014 when new renters were found for the unit.

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's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated June 02, 2014. The tenants did not pay the full amount of outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. Both tenants had effectively vacated the unit by June 30, 2014. In the result, I consider the landlord's application for an order of possession to be withdrawn.

As to compensation, I find that the landlord has established a claim of **$3,905.00**:

$1,200.00: *unpaid May rent*
$40.00: *unpaid May parking*
$25.00: *NSF fee*
$1,200.00: *unpaid June rent*
$40.00: *unpaid June parking*
$1,200.00: *loss of rental income for July*
$150.00: *replacement of damaged bi-fold door*
$50.00: *filing fee*

I order that the landlord retain the security deposit of **$600.00**, and I hereby issue a **monetary order** in favour of the landlord for the balance due of **$3,305.00**      ($3,905.00 - $600.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **$3,305.00**. 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: July 22, 2014

_____
Residential Tenancy Branch