



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF
CNR

Introduction

This hearing concerns 2 applications:

- i) by the landlord for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit and pet damage deposit / and recovery of the filing fee; and
- ii) by the tenants for cancellation of a notice to end tenancy for unpaid rent.

The landlord attended and gave affirmed testimony. Neither tenant appeared. The landlord testified that she personally served the tenants with her application for dispute resolution and notice of hearing (the "hearing package") on June 06, 2015. Based on the affirmed / undisputed testimony of the landlord I find that the tenants have been duly served in accordance with section 89 of the Act, which speaks to **Special rules for certain documents**. The landlord also testified that she was not served with the tenants' hearing package. Further, the landlord testified that the tenants vacated the unit on June 21, 2015 without providing a forwarding address. In the result, the landlord withdrew her application for an order of possession.

Issue(s) to be Decided

Whether the landlord is entitled to a monetary order as compensation for unpaid rent / retention of the security deposit and pet damage deposit / and recovery of the filing fee, pursuant to the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from March 17, 2015 to March 17, 2016. Monthly rent of \$900.00 is due and payable in advance on the first day of each month. A security deposit of \$450.00 and a pet damage deposit of \$450.00 were collected. In addition to paying both deposits, at the start of tenancy the tenants paid April's rent in full. No rent was paid for March 17 to 31, 2015.

Arising from rent which remained unpaid for March, as well as for May 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated May 04, 2015. The notice was served by posting to the unit door on May 05, 2015. A copy of the notice was submitted in evidence. The

date shown on the notice by when the tenants must vacate the unit is May 14, 2015. Subsequently, the tenants filed an application for dispute resolution on May 08, 2015, however, they made no further payment toward rent and, as earlier noted, they vacated the unit on June 21, 2015.

Analysis

In the absence of the tenants at the hearing despite being served with the landlord's hearing package, and despite scheduling of the hearing in response to applications by both parties, the tenants' application is hereby dismissed without leave to reapply.

Based on the documentary evidence and the 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 May 04, 2015. While the tenants filed an application to dispute the notice within 5 days of receiving it, they made no further payment toward rent before vacating the unit on June 21, 2015. As to compensation, I find that the landlord has established a claim of **\$2,285.45**:

\$435.45: *unpaid rent pro-rated from March 17 to 31, 2015* [$(\$900.00 \div 31) \times 15$]

\$900.00: *unpaid rent for May 2015;*

\$900.00: *unpaid rent for June 2015*

\$50.00: *filing fee*

I order that the landlord retain the security deposit and pet damage deposit in the combined total amount of **\$900.00** (\$450.00 + \$450.00), and I grant the landlord a **monetary order** for the balance owed of **\$1,385.45** (\$2,285.45 - \$900.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,385.45**. 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: June 23, 2015

Residential Tenancy Branch

