



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: OP MND MNR FF

Introduction

This hearing was to deal with an application by the landlord for an order of possession, and a monetary order for rent owed based on the Notice to End Tenancy dated October 3, 2008 and for loss of rent. The hearing was conducted by conference call and despite being served by registered mail sent on October 15, 2008, the tenant did not appear. At the commencement of the hearing, the landlord advised that the tenant had already vacated pursuant to an Order of Possession granted at an earlier hearing held on October 20, 2008 and that the tenant had paid the rent owed for the month of October 2008. The landlord also testified that the security deposit had already been ordered to be retained by the landlord in partial satisfaction of the monetary order resulting from the earlier hearing for compensation relating to damage from a fire.

Issue to Be Determined

The issues to be determined based on the testimony and the evidence is whether the landlord is entitled to monetary compensation under section 67 of the *Act* for money owed, damages or loss. This determination is dependant upon whether or not the landlord has submitted proof that the compensation being claimed is validly owed by the tenant to this landlord pursuant to *section 7* and *section 67* of the *Act*.

The burden of proof is on the applicant landlord to prove the claim.

Background and evidence

The tenancy began on February 1, 2007 with current rental rate being \$715.00 per month. The landlord testified that although the tenant had paid rental arrears prior to leaving, the landlord has suffered a loss of \$715.00 as the unit was not in a rentable condition when the tenant left on October 31, 2008.

Analysis and conclusion

I accept the landlord's evidence with respect to the fact that the unit requires repair and cleaning to the extent that it will not be ready to rent until at least December 1, 2008 and I find that the landlord is entitled to be compensated for the loss of rent. I make no other findings in regards to the amount to compensate for specific damages referred to above and the landlord is at liberty to make an application for any claims that may arise.

I find that the landlord has established a monetary claim under section 67 in the amount of \$765.00 consisting of \$715.00 loss of rent for the month of November 2008 and the \$50.00 fee paid by the landlord for this application. I hereby grant an order for \$765.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: November, 2008.