



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: MNR & FF

Introduction:

This hearing dealt with the landlord's application for a monetary claim related to loss of rent and non-payment of utilities by the tenant. Although the tenant was served with notice of this hearing and application by registered mail, he did not appear for the hearing. I proceeded with the hearing in the tenant's absence.

Issues to be Determined:

This tenancy began on December 28, 2007 for the monthly rent of \$1,350.00. The tenancy ended effective October 1, 2008 after the tenant was served with an Order of Possession due to non-payment of rent. The tenant failed to pay any rent for October 2008 and further to the Order of Possession the landlord also received an Order allowing her to retain the tenant's security deposit plus interest against the loss of rent for the period of October 1 to the 15th, 2008.

The landlord now seeks further damages due to the tenant's failure to vacate the rental unit on the effective date of the 10 day Notice to End Tenancy. The landlord submits that she was unable to rent the unit until November 8, 2008 and has lost rental revenue for the sum of \$675.00. The landlord also submitted evidence showing that the tenant failed to pay the outstanding utility bill for the sum of \$277.36. The landlord seeks to recover the \$50.00 filing fee paid for this application from the tenant.

Analysis:

I grant the landlord's application. I accept the evidence of the landlord that she attempted to re-rent the unit but due to the tenant's breach of the *Act* she suffered a further loss of \$675.00. I also accept that the tenant failed to pay the outstanding utilities as required by the tenancy agreement. I also Order that the tenant is to pay to the landlord the \$50.00 filing fee paid for this application.

I find that the landlord has established a total monetary claim for the sum of \$1,002.36.

Conclusion:

I have determined that the landlord is entitled to a monetary Order for the sum of **\$1,002.36**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Dated January 09, 2009.

Dispute Resolution Officer