

## DECISION

**Dispute Codes:** OPR, MNR, FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing in person on January 16, the tenant did not participate in the conference call hearing.

The tenancy began on November 1, 2008. Rent in the amount of \$650.00 was payable in advance on the first day of each month. The tenant failed to pay rent in the month of December and on December 13, the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of January.

The landlord said that on or about January 25, the tenant moved out of the rental unit. The landlord was therefore withdrawing her application for an order of possession. I thereby dismiss the landlord's application for an order of possession.

The landlord said that the tenant eventually paid the December rent but failed to pay the January rent. The landlord also said that on January 26, she put an ad in the newspaper to start running on January 27. The landlord was unable to re-rent the rental unit for February 1. Instead, she has re-rented it for March 1. The landlord is therefore seeking to include a claim for loss of income for the months of January and February in the amount of \$1300.00. I find that the tenant should reasonably have known that the landlord could not re-rent the unit while he was still in residence and I allow the claim for a further \$1300.00.

Based on the above, I find that the landlord has established a claim for \$1300.00 in loss of income. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of

\$1350.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated February 20, 2009.