

Dispute Resolution Services

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

DECISION

Dispute Codes:

OPC, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for cause, a monetary order for lost revenue due to unpaid compensation as an over-holding tenant, and to recovery of the filing fee associated with this application. Both the landlord and tenant were represented at today's conference call hearing.

At the outset of the hearing both parties advised the order of possession is not required as the tenant vacated the rental unit on January 18, 2009. As the tenants have moved from the rental unit, this decision will only deal with matters pertaining to the monetary claim.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenants gave written notice to vacate the rental unit for December 31, 2008. They did not vacate the rental unit until January 18, 2009, becoming over holding tenants on January 1, 2009. The tenant did not compensate the landlord for occupancy of the rental unit for January 2009 and the landlord is requesting they be compensated for use and occupancy in the amount of \$860.

The tenancy began on February 5, 1999. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$395.

During the tenancy, rent in the amount of \$860 per month was payable in advance on the first day of each month.

Analysis

Based on the testimony and agreement of both parties I find that the tenant not compensate the landlord for the month of January and did not apply for dispute resolution to dispute this fact.

The landlord is entitled to be compensated for use and occupancy for the month of January 2009.

Based on the undisputed facts before me I find that the landlord is entitled to a monetary order in the amount of \$860 for lost revenue and is also entitled to recovery of the \$50 filing fee for a total claim of **\$910**.

Conclusion

I order that the landlord retain the security deposit and interest of \$438.43 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$471.57**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: February 03, 2009