



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

OPR, MNR, MNDC

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and a monetary Order for money owed or compensation for damage or loss. At the hearing the Landlord withdrew his application for an Order of Possession, as the rental unit has been vacated.

The Landlord stated he personally served the Tenant with copies of the Application for Dispute Resolution and Notice of Hearing at approximately 6:00 p.m. on February 04, 2009. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not attend the hearing.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent, pursuant to section 67 of the *Act*.

Background and Evidence

The Landlord stated that this Tenant is required to pay monthly rent of \$700.00.

The Landlord stated that a ten (10) day Notice to End Tenancy for non-payment of rent, which had an effective date of January 31, 2009, was posted on the front door of the rental unit on January 21, 2009. The Notice indicated that the Tenant is presumed to have accepted that the tenancy is ending and that the Tenant must move out of the rental unit by the date set out in the Notice unless the Tenant pays the outstanding rent or files an Application for Dispute Resolution within five days of the date they are deemed to have received the Notice.

The Landlord stated that the Tenant vacated the rental unit during the first week of March of 2009, although she still has several items of furniture in the rental unit.

The Landlord stated that the Tenant still owes \$700.00 in rent from December of 2008; \$700.00 in rent from January of 2009; \$700.00 in rent from February of 2009; and \$700.00 in rent from March of 2009. He is seeking compensation for the unpaid rent and the loss of revenue from March.

Analysis

In the absence of evidence to the contrary, I find that the Tenant has not paid rent in the amount of \$2,100.00 for the months of December of 2008, January of 2009, and February of 2009, and that the Landlord is entitled to compensation in that amount.

In the absence of evidence to the contrary, I find that the Tenant has not paid rent in the amount of \$700.00 for March of 2009, and that the Landlord is entitled to compensation for rent for that month, as the Tenants actions prevented the Landlord from finding a new tenant for March.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$2,800.00, which is comprised on \$2,100.00 in unpaid rent and \$700.00 in compensation for lost revenue for the month of March.

Based on these determinations I grant the Landlord a monetary Order for the amount of \$2,800.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Date of Decision: March 16, 2009.
