

Dispute Resolution Services

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

DECISION

Dispute Codes:

OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession due to unpaid rent, a monetary order to recover rental arrears and inclusive of recovery of the filing fee associated with this application, and an order to retain the security deposit in partial satisfaction of the monetary claim, as well as for loss of Revenue. Despite having been served with the application for dispute resolution and notice of hearing by personal service in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. As the tenant has moved from the rental unit, this decision will only deal with matters pertaining to the monetary claims.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

This tenancy began on July 01, 2008. Monthly rent in the amount of \$750 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$350. The tenant failed to pay rent in the month of March 2009 and the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent for the month of April 2009. The tenant vacated the suite on April 02, 2009, and the landlord testified the tenant did not clean the unit and further left many of his belongings there saying he will come back for them, but has not done so to date.

On April 06, 2009 the landlord advertised the suite for immediate occupancy, but could not secure a new tenancy for April 15, 2009, but has done so for May 1, 2009.

The landlord seeks a monetary order for \$750 for the month of February 2009 and loss of revenue for April 2009 in the same amount.

Analysis

Based on the landlord's testimony I find that the tenant has not paid the outstanding rent and has not applied for dispute resolution.

Based on the above facts I find that the landlord is entitled to a monetary order. I find that the landlord has established a claim for \$750 in unpaid rent and \$750 in lost revenue. The landlord is also entitled to recovery of the \$50 filing fee, for a quantum entitlement of **\$1550**.

Conclusion

I order that the landlord retain the deposit and accrued interest of \$352.64 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$1197.36**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated April 17, 2009