

DECISION

Dispute Codes: OPR, MNR, MNSD, FF, CNR, O

This hearing dealt with a cross applications. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant applied to cancel the notice to end tenancy.

On June 30, 2008, the landlord collected a security deposit from the tenant in the amount of \$500.00. The tenancy began on June 11, 2009. Rent in the amount of \$1000.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of March, 2009 and on March 2, 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 months of April and May.

Based on the landlord's testimony, I find that the tenant was served with a notice to end tenancy for non-payment of rent. As the tenant did not call into the conference call, his application to cancel the notice to end tenancy is dismissed. Based on the above facts, I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is seeking to recover from the tenant outstanding rent for the month of March in the amount of \$1000.00. The tenant is currently still living in the rental unit. The landlord is therefore seeking to include a claim for loss of income for the months of April and May in the amount of \$2000.00. 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 \$2000.00.

Based on the above, I find that the landlord has established a claim for \$1000.00 in unpaid rent and \$2000.00 in loss of income. The landlord is also entitled to

recovery of the \$50.00 filing fee. I order that the landlord retain the security deposit and interest of \$503.79 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2546.21. This order may be filed in the Small Claims Court and enforced as an order of that Court.