

DECISION

Dispute Codes: OPB, MNR, MNSD, MNDC, FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order. On June 8, 2009, the landlord served the tenant the application for dispute resolution and notice of hearing in person. On June 18, 2009, the hearing did not proceed due to a technical problem with the telephone system at the Residential Tenancy Branch (RTB). Thereafter, the RTB sent out a second notice of hearing to both parties notifying them of today's hearing date. Despite having been served with this notice of hearing by mail, the tenant did not participate in the conference call hearing.

At the outset of the hearing, the landlord withdrew his application for an order of possession as the tenant had already moved out.

On February 1, 2009, the landlord collected a security deposit from the tenant in the amount of \$425.00. The tenancy began on the same day. Rent in the amount of \$950.00 was payable in advance on the first day of each month. The tenant failed to pay rent in the months of April and May. Sometime in May, the landlord and the tenant signed a mutual agreement to end tenancy on May 31, 2009. On June 24, 2009, the tenant moved out of the rental unit.

The landlord is seeking to recover from the tenant outstanding rent for the months of April and May in the amount of \$1900.00. The tenant lived in the unit until June 24. The landlord is therefore seeking to include a claim for loss of income for the month of June in the amount of \$950.00. I find that the tenant should reasonably have known that the landlord could not re-rent the unit while she was still in residence and I allow the claim for a further \$950.00.

As for the monetary order, I find that the landlord has established a claim for \$1900.00 in unpaid rent and \$950.00 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 \$425.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2475.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated July 15, 2009.