

DECISION

Dispute Codes: OPR, MNR, FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on August 11, 2009, 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 moved out on August 17, 2009.

On September 5, 2007, the landlord collected a security deposit from the tenant in the amount of \$315.00. The tenancy began on October 1, 2007. Rent in the amount of \$653.00 was payable in advance on the first day of each month. The tenant failed to pay rent in the months of April, May, June and July of 2009 and on July 9, 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 month of August.

The landlord is seeking to recover from the tenant outstanding rent for the months of April, May, June and July in the amount of \$2251.74. The tenant lived in the rental unit until August 17, 2009. The landlord is therefore seeking to include a claim for loss of income for the month of August in the amount of \$653.00. 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 \$653.00.

Based on the above, I find that the landlord has established a claim for \$2251.74 in unpaid rent and \$653.00 in loss of income. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$2954.74. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 23, 2009.