



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNDC, OPR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for a monetary Order for loss or damage, an Order of possession for unpaid rent and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The agent for the landlord stated that on August 18, 2009 copies of the Application for Dispute Resolution and Notice of Hearing was served to each of the tenants via registered mail sent to the tenant's service address indicated on the Application for Dispute Resolution. As evidence of the service the landlord provided Canada Post tracking numbers for each respondent. These documents are deemed to have been served on August 23, 2009, in accordance with section 89 of the *Act*, however the tenant's did not appear at the hearing.

Preliminary Matter

At the start of the hearing the landlord testified that the tenants moved out of the rental unit at the end of August, as required by their fixed-term tenancy, and that an Order of possession was no longer required.

This Application for Dispute Resolution was filed prior to the tenant's moving out and the landlord testified they continue to make repairs and to collect evidence in relation to the total claim for damages sought by the landlord. As the landlord's application for damages is premature it is dismissed with leave to reapply.

Issues to be Decided

Is the landlord entitled to compensation for unpaid August, 2009 rent?

Is the landlord entitled to filing fee costs?



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Background and Evidence

This tenancy commenced on September 15, 2005, rent was \$3,200.00 per month. The landlord testified that the tenants moved out at the end of the fixed-term, August 31, 2009 and that the tenants did not pay rent for July or August.

The landlord testified that a monetary Order has previously been issued via the Direct Request Proceeding, for the loss of July rent. The landlord is requesting a monetary Order for the loss of August rent owed.

Analysis

I find that the landlord is entitled to compensation for the loss of August, 2009 rent in the sum of \$3,200.00. I have accepted the landlord's testimony that the tenants have failed to pay rent when it was due.

Conclusion

I find that the Landlord has established a total monetary claim of \$3,250.00 comprised of August, 2009 rent and the \$50.00 fee paid for this application and I grant the Landlord an order under section 67 for that amount. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

The landlord's claim for damages and loss compensation is dismissed with leave to reapply.

The tenants have vacated the rental unit as required by this fixed-term tenancy; therefore an Order of possession is no longer required by the landlord.

Dated September 28, 2009

Dispute Resolution Officer



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This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 28, 2009.

Dispute Resolution Officer