Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for compensation for unpaid rent and loss of rent revenue, to retain all or part of the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on September 19, 2010, he attended at the rental in the late afternoon with a witness and personally served the tenant copies of the Application for Dispute Resolution and Notice of Hearing. The evidence was served to the rental unit address after the tenant had moved out.

The hearing documents are deemed to have been served in accordance with section 89 of the *Act;* however the tenant did not appear at the hearing.

The evidence was not served to the tenant at an address where he resides; however, I did reference the copy of the tenancy agreement submitted as evidence, as it was signed by the tenant and he had previously been given a copy.

Issue(s) to be Decided

Is the landlord entitled to compensation for loss of rent and rent revenue?

Is the landlord entitled to filing fee costs?

Background and Evidence

This 2 month fixed-term tenancy commenced on July 15, 2010, to end on September 15, 2010, at which point the tenant was to move out. The landlord allowed the tenant to remain in the unit until September 22, 2010 and but was not able to obtain possession until September 30, 2010. The landlord posted a 3 day Notice to the door, prior to entry and was able to determine that the tenant had moved out.

Rent was $450.00 per month, due on the 15th day of the month. The tenant did not pay any rent to the landlord.

The landlord is claiming unpaid rent for July and August, 2010, plus loss of rent for the last 2 weeks of September, 2010

Analysis

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of $1,125.00 from July 15 to September 30, 2010, and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit, and I find that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the landlord has has established a monetary claim, in the amount of $1,175.00, which is comprised of $1,125.00 in unpaid July, August and September, 2010, rent and $50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order for the sum of $1,175.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

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: October 22, 2010.

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Dispute Resolution Officer