



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

Decision

Dispute Codes:

MNR, MNDC, OPR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Ten Day Notice to End Tenancy for Unpaid Rent dated December 2, 2010, a monetary order for rental arrears and loss of rent, parking and late fee and reimbursement for the fee paid to file this application

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on December 22, 2010, the Tenant did not appear.

The landlord testified that the tenant had already vacated the unit at the end of December and therefore the request for an order of possession was no longer an issue. However, the monetary claim was still being sought.

Issue(s) to be Decided

The landlord was seeking a monetary order for \$1,093.88 plus the \$50.00 for filing.

The issues to be determined based on the testimony and the evidence are whether the landlord is entitled to monetary compensation under section 67 of the *Act* for rental arrears, loss of rent, late fees and parking.

Background and Evidence

The landlord submitted into evidence a copy of the Ten Day Notice to End Tenancy for Unpaid Rent dated December 2, 2010 for \$780.00 owed, a copy of the tenancy agreement and parking agreement, a copy of the tenant's ledger and proof of service.

The landlord testified that the tenant paid November rent late and did not pay the \$780 rent for December 2010 and nor did the tenant pay rent for January 2011. The landlord testified that the unit was re-rented mid January 2011. The landlord is claiming \$1,093.88 comprised of \$750.00 rent for December 2010, \$313.88 partial rent loss for January, \$10.00 for parking and \$20.00 late fee owed.



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Analysis

Section 26 of the Act states that rent must be paid when it is due, under the tenancy agreement and section 7 of the Act states that if a landlord or tenant does not comply with the Act, the regulations or the tenancy agreement, the non-complying landlord or tenant must compensate the other for damage or loss that results. Section 67 of the Act grants a dispute Resolution Officer the authority to determine the amount and to order payment under these circumstances.

Based on the testimony and evidence of the landlord, I find that the landlord has established a total monetary claim of \$1,143.88 comprised of \$1,093.88 rent and other charges and the \$50.00 fee paid by the Landlord for this application. I order that the landlord retain the security deposit and interest of \$576.53 in partial satisfaction of the claim leaving a balance due of \$567.35.

Conclusion

Based on the testimony and evidence presented during these proceedings, I dismiss the portion of the landlord's application relating to the order of possession and I hereby grant the landlord a monetary order under section 67 of the *Act* for \$567.35. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) 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: January 2011.

Residential Tenancy Branch