



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been personally served with the application for dispute resolution and notice of hearing on January 28, 2011, the tenants did not participate in the conference call hearing.

At the outset of the hearing the landlord advised that the tenants had vacated the rental unit. As an order of possession is no longer required, I consider that claim to have been withdrawn. The landlord also advised that although he had originally made a claim for loss of income for the month of February, he wished to limit his claim to loss of rent and loss of income for the months of November – January inclusive.

Issue to be Decided

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The tenancy began on or about December 1, 2008 at which time a \$590.00 security deposit was paid. Rent in the amount of \$1,180.00 is payable in advance on the first day of each month. The tenants failed to pay rent in the months of November and December 2010 and on December 13, 2010 the landlord served the tenants with a notice to end tenancy. The tenants further failed to pay rent in the month of January, 2011.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants failed to pay rent in the months of November and December. I find that the tenants failed to vacate the rental unit in the month of January and caused the landlord to lose \$1,180.00 in income for that month. I find that the landlord has established a claim for \$3,540.00 in unpaid

rent and loss of income. The landlord is also entitled to recovery of the \$50.00 filing fee paid to bring his application. I order that the landlord retain the \$590.00 security deposit and the 75¢ in interest which has accrued to the date of this judgment in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2,999.25. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$2,999.25. The landlord may retain the security deposit.

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: February 10, 2011

Residential Tenancy Branch