



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order for rental arrears based on a Ten Day Notice to End Tenancy for Unpaid Rent dated February 2, 2011. The landlord was also seeking loss of rent for March.

At the outset of the hearing, the landlord advised that the tenant vacated on February 27, 2011. Therefore the request for an Order of Possession is now moot.

Although served with the Application for Dispute Resolution by registered mail, the tenant did not appear.

Issue(s) to be Decided

The issue to be determined, based on the testimony and evidence, is whether or not the landlord is entitled to monetary compensation for rental arrears owed and loss of rent.

Background and Evidence

The landlord testified that the tenancy began in Sept, 2010 with rent at \$900.00 and security deposit of \$450.00. The landlord testified that the tenant fell into arrears and was issued a Notice to End Tenancy.

The landlord provided data verifying the tenant's delinquent payments, a copy of the tenancy agreement, a copy of the Ten Day Notice to End Tenancy for Unpaid Rent, copies of receipts and proof of service.

The landlord was seeking a monetary order claiming rental arrears in the amount of \$900.00 for February 2011 and an additional amount of \$875.00 loss of rent for March 2011, because the unit must be repaired before it can be re-rented.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent. I find that the tenant has not paid the outstanding rent, nor did the tenant apply to dispute the Notice. Therefore the landlord is entitled to \$900.00 for rent for February 2011.

In regards to the loss of rent for March 2011, I find this claim is premature as the landlord is required to minimize his losses under section 7(2) of the Act by attempting to re-rent the unit for March or a portion of March 2011. However, the landlord is at liberty to pursue any loss of rent for March after it occurs and other damages if applicable by making a subsequent application.

Given the above, I find that the landlord is entitled to a monetary award of \$950.00 comprised of rental arrears of \$900.00, and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$450.00 in partial satisfaction of the claim leaving a balance due of \$500.00.

Conclusion

I hereby grant the Landlord an order under section 67 for \$500.00. 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: February 2011.

Residential Tenancy Branch