

## **DECISION**

**Dispute Codes:** OPR, FE, MNR, MNDC

### **Introduction**

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; and to recover the cost of the filing fee from the Tenants.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that he discovered that on March 4, 2011, he discovered that the Tenants had moved out of the rental unit. Therefore, his application for an Order of Possession is dismissed as the Landlord has taken back possession of the rental unit.

The Landlord's agent testified that he mailed the Notice of Hearing documents, by registered mail, to each of the Tenants at the rental unit on February 25, 2011. The Landlord provided copies of the registered mail receipts and tracking numbers in evidence. A search of the Canada Post on-line tracking system indicates that both packages were received by the Tenants on March 1, 2011. In spite of being served with the documents, the Tenants did not sign into the teleconference and the Hearing proceeded in their absence.

### **Issue(s) to be Decided**

Is the Landlord entitled to a monetary order for unpaid rent for February and loss of revenue for March, 2011?

### **Background and Evidence**

The Landlord's agent testified that he posted the Notice to End Tenancy issued February 7, 2011, on the Tenants' door on February 7, 2011.

The tenancy began on October 1, 2010. A copy of the tenancy agreement was provided in evidence. Monthly rent was \$1,300.00, due on the first day of each month. The Tenants still owe rent for the month of February, 2011, in the amount of \$1,300.00. The Landlord seeks late fees for February and loss of revenue for March, 2011. The Landlord had to remove the Tenants' garbage and some furniture from the rental unit and clean it, ready for potential new tenants. The Landlord has advertised the rental unit in the local newspaper and with signage at the rental property. The rental unit is advertised for immediate possession.

### **Analysis**

The Notice to End Tenancy was served in accordance with the provisions of Section 88(g) of the Residential Tenancy Act (the "Act"). Documents served in this manner are deemed to be received 3 days after posting. Therefore, I find that the tenancy ended on February 20, 2010.

I accept the Landlord's agent's testimony that the Tenants have not paid any rent for the month of February, 2011, and moved out of the rental unit after being served with the Notice of Hearing documents. The Tenants were overholding and left garbage and discarded furniture at the rental unit, which the Landlord had to remove before the rental unit could be re-rented.

Clause 10 in the tenancy agreement provides for late fees in the amount of \$25.00.

Based on the undisputed testimony of the Landlord's agent and documentary evidence provided, and the absence of any evidence to the contrary from the Tenants, the Landlord has established a monetary award, as follows:

Unpaid rent for February, 2011	\$1,300.00
Late fee for February, 2011	\$25.00
Loss of revenue for March, 2011	<u>\$1,300.00</u>
TOTAL:	\$2,625.00

The Landlord has been successful in its claim and is entitled to recover the cost of the filing fee of \$50.00 from the Tenants.

### **Conclusion**

I hereby provide the Landlord a Monetary Order in the amount of **\$2,675.00** against the Tenants. This Order must be served on the Tenants and may be filed in the Provincial Court of British Columbia (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: March 22, 2011.

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