



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit, money owed or compensation for damage or loss and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by courier and that the package was signed for. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

Matters related to this tenancy were previously heard under file 772935. In this hearing the Dispute Resolution Officer awarded the landlord a monetary order for \$75.00 to recover a \$25.00 late fee and the \$50.00 filing fee. The landlord at the time of the hearing did not wish to proceed with an order of possession for the rental unit.

This tenancy began December 1, 2010 with monthly rent of \$750.00 and the tenant paid a security deposit of \$375.00.

The landlord testified that the tenant vacated the rental unit sometime around June 24, 2011 and that the tenant did not provide the landlord with a forwarding address. The landlord stated that at the time the tenant vacated the June 2011 rent remained unpaid and the landlord was not able to re-rent the unit until July 10, 2011. The landlord in this application is seeking \$750.00 rent for June, \$25.00 late fee for June, \$218.00 for July, \$25.00 late fee for July for a total of \$1018.00 in compensation for unpaid rent and late fees.

As the tenant has vacated the rental unit the landlord no longer requires an order of possession and this portion of the landlord application is hereby dismissed.

The landlord has included a request for a monetary order for monies awarded in hearing 772935 however the landlord was issued a monetary order in that hearing for the amount of \$75.00 therefore this portion of the landlord's application is hereby dismissed.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent, loss and late fees.

The tenant vacated the rental unit with monies owed to the landlord and the landlord suffered a loss of income for the months of June and July 2011.

I find that the landlord has established a claim for \$1018.00 in unpaid rent, loss and late fees.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$1018.00 in unpaid rent, loss and late fees. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$375.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$693.00**.

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: July 11, 2011.

Residential Tenancy Branch