



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, MNSD, OPR

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on October 5, 2011; however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$1780.00 and a request for recovery of the \$50.00 filing fee. The applicants are further requesting an order allowing them to keep the full security deposit towards this claim.

Background and Evidence

The applicant testified that:

- The tenant failed to pay the full September 2011 rent and therefore on September 6 the tenant was served with a 10 day Notice to End Tenancy for non-payment of rent.
- The tenant the failed to pay the outstanding rent and failed to vacate the rental unit and therefore on October 3, 2011 they applied for dispute resolution.
- The tenants have also refused to allow them to show the rental unit and therefore they are unable to re-rent the unit until the tenants vacate.

The applicants are therefore requesting an Order of Possession for as soon as possible and a monetary order as follows:

September 2011 rent outstanding	\$260.00
October 2011 rent outstanding	\$750.00
Expected lost revenue for November 2011	\$750.00
Late fee or October 2011	\$20.00
Filing fee	\$50.00
Total	\$1830.00

Analysis

It is my finding that the landlords have established that the tenants have failed to pay \$260.00 of the September 2011 rent and have failed to pay any of the \$750.00 October 2011 rent. I therefore allow the landlords claim for that outstanding rent and the \$20.00 late fee.

I will also allow one half of the claim for lost rental revenue for the month of November 2011 as I find it unlikely that the rental unit will be re-rented before the middle of the month. I will not allow the full amount however because the landlord may re-rent the unit for the last half of November 2011. I therefore dismissed with leave to reapply the claim for lost rental revenue for the last half of November 2011

I also allow the landlords request for an Order of Possession and recovery of the filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants.

I have allowed a monetary order in the amount of \$1455.00, and I therefore order that the landlords may retain the full security deposit of \$375.00, and have issued a monetary order in the amount of \$1080.00.

As stated above the remainder of the monetary order is dismissed with leave to reapply.

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: October 31, 2011.

Residential Tenancy Branch