



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNDC, MND, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application requesting a monetary Order for damage to the rental unit, compensation for damage and loss under the Act and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on November 18, 2011, in the evening he went to the tenant's home and personally delivered the Notice of hearing and evidence to the tenant. The tenant's girlfriend was present.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

Preliminary Matters

The calculation of the landlord's claim attached to the application indicated that the landlord was claiming unpaid rent, not damage. Therefore, the application was amended to reflect a claim for unpaid rent.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to compensation for loss of rent revenue?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenant had lived in the unit with the landlord's daughter. A tenancy agreement submitted as evidence indicated the tenancy commenced on February 1, 2010, rent was \$1,900.00 per month, due on the first day of each month. On March 15, 2011, the landlord and the respondent amended the agreement; converting it to a month-to-month tenancy; rent was altered to \$1,800.00 per month.

The landlord has claimed unpaid rent for March, 2011, in the sum of \$100.00; May rent in the sum of \$1,800.00 and loss of June, 2011, rent revenue in the sum of \$1,800.00

Without prior notice the tenant vacated the unit at the end of May, 2011. He did not move his belongings out until sometime in June.

Analysis

I find that the tenancy was altered and recommenced effective March 15, 2011. Any claims in relation to a prior term of a tenancy are dismissed with leave to reapply.

I find that the landlord is entitled to compensation for unpaid March and May, 2011, rent in the sum of \$1,900.00.

I find that the landlord is entitled to compensation for loss of June, 2011, rent revenue in the sum of \$1,800.00. As provided by section 45 of the Act, the tenant was required to give the landlord one month's written notice that the tenancy was ending the tenancy; he failed to do so.

I find that the landlord's application has merit, and I find that the landlord entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord's claim included items that predated the March 15, 2011, tenancy, such as a December, 2010, hydro bill and costs that do not appear form part of a tenancy.

Conclusion

I find that the landlord established a monetary claim, in the amount of \$3,750.00, which is comprised of unpaid March and May, 2011, rent; loss of June, 2011, rent revenue and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order for \$3,750.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

The balance of the claim 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: November 25, 2011.

Residential Tenancy Branch