



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

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 25, 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 \$2985.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenants did not pay the October 2011 rent and therefore on October 2, 2011 they were served with a Notice to End Tenancy for non-payment of rent.

- The tenants did not comply with a 10 day notice however they no longer need an Order of Possession because the tenants finally vacated the rental unit on October 30, 2011.
- The tenants have however failed to pay any rent for the month of October 2011, and as yet they been unable to re-rent the unit in the month of November 2011.

The applicants are therefore requesting an order as follows:

Rent outstanding for October 2011	\$975.00
Late fee for October 2011	\$20.00
Lost rental revenue for November 2011	\$975.00
Late fee for November 2011	\$20.00
Possible lost revenue for December 2011	\$975.00
Late fee for December 2011	\$20.00
Filing fee	\$50.00
Total	\$3035.00

Analysis

The applicants have withdrawn a request for an Order of Possession.

I will however allow a portion of the monetary claim as follows:

Rent outstanding for October 2011	\$975.00
Late fee for October 2011	\$20.00
Lost rental revenue for November 2011	\$975.00
Late fee for November 2011	\$20.00
Filing fee	\$50.00
Total	\$2040.00

I have allowed rent to the end of November 2011 as I find it unlikely that the rental unit will be re-rented before that, however I will not allow the claim for December 2011 lost

rental revenue at this time because the landlords may yet be able to re-rent the unit for December 2011.

Conclusion

I have allowed \$2040.00 of the claim and have issued a monetary order for that amount.

I dismissed with leave to reapply the claim for December 2011 lost rental revenue and late fees.

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 15, 2011.

Residential Tenancy Branch