



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, OPR

Introduction

Some documentary evidence and written arguments have been submitted prior to the hearing however the applicant did not serve a full evidence package on the respondent, and therefore I am excluding any evidence that was not served. I have considered all information that was provided to the tenant.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

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, and a request for a monetary order in the amount of \$3450.00. The applicant is also requesting recovery of the \$50.00 filing fee.

Background and Evidence

The applicants testified that:

- The tenant had \$650.00 rent outstanding from December 2011 rent, and failed to pay any of the \$1400.00 January 2012 rent, and therefore on January 5, 2012 he was served with a 10 day Notice to End Tenancy.

- To date the tenant has failed to pay any of the outstanding rent and has failed to comply with the Notice to End Tenancy.
- They are therefore requesting an Order of Possession for as soon as possible, and an order for the outstanding rent.
- They are also requesting an order for possible lost rental revenue for the month of February 2012.
- They are also requesting recovery of the \$50.00 filing fee

The respondent testified that:

- He does owe the full amount of rent claimed by the landlord.
- He did receive the Notice to End Tenancy and does plan to vacate, however he has been having difficulty finding a place to move to.

Analysis

The tenant has admitted that he owes a substantial amount of rent and that he received a valid 10 day Notice to End Tenancy, and therefore I allow the landlords request for an Order of Possession.

I also allow the request for the outstanding rent totalling \$2050.00 and I order recovery of the \$50.00 filing fee.

I will not allow the claim for lost rental revenue for February 2012 because that claim is premature. We do not yet know how much if any rental revenue will be lost for the month of February 2012.

Conclusion

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

I have issued a monetary order in the amount of \$2100.00.

I dismiss, with leave to reapply, the claim for lost rental revenue for February 2012.

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: January 31, 2012.

Residential Tenancy Branch