



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent, loss of income, late fees and the filing fee.

The notice of hearing was served on the tenant on December 30, 2011 by registered mail. The landlord filed a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

The tenant moved out sometime before January 03, 2012. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent and the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, loss of income, late fees and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on January 01, 2009. The monthly rent was \$824.00 due in advance on the first of each month. The landlord filed a copy of the tenancy agreement. A term in the agreement stipulates that a late fee of \$20.00 is applicable for rent paid after the first of each month.

The tenant failed to pay rent for December. On December 03, 2011, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent. On December 30, 2012 the landlord posted a notice to enter the rental unit effective January 03, 2012.

Upon entry, the landlord found the unit vacant. The tenant had moved out without informing the landlord.

The landlord stated that she was in the process of cleaning up and repairing damage to the unit and has also advertised the availability of the rental unit. The landlord is claiming rent for December, loss of income for January, late fees for both months and the filing fee.

Analysis

Based on the sworn testimony of the landlord and in the absence of contradictory evidence from the tenant, I accept the landlord's evidence in respect of the claim. I find that the landlord has established a claim for rent owed for December 2011 (\$824.00) loss of income for January 2012 (\$824.00) and late fees for two months (\$40.00). The landlord has proven her claim and is therefore also entitled to the recovery of the filing fee (\$50.00).

Overall the landlord has established a total claim of \$1,738.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$1,738.00**

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: January 13, 2012.

Residential Tenancy Branch