



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR; MNR; MNDC, MNSD; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to retain the security deposit in partial satisfaction of her monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit on April 25, 2012. The Landlord provided the tracking numbers for the registered documents. A search of the Canada Post tracking system indicates that the Tenant picked up the documents on April 30, 2012. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

Preliminary Matter

At the outset of the Hearing, the Landlord testified that the Tenant moved out of the rental unit on May 1 or 2, 2012. Therefore, the Landlord no longer requires an Order of Possession and this portion of her application is dismissed.

Issues to be Decided

- Is the Landlord entitled to a Monetary Order for unpaid rent in the amount of \$3,020.00 and loss of revenue for the month of May in the amount of \$1,250.00?

Background and Evidence

The Landlord gave the following testimony:

Monthly rent is \$1,250.00, due the first day of each month. The Tenant paid a security deposit in the amount of \$500.00 on May 28, 2011.

The Landlord testified that the Tenant was a student and fell behind on her rent. The Landlord said she accepted the Tenant's word that she would pay the outstanding rent

when her student loan arrived, but the Tenant did not do so. The Landlord testified that the Tenant made the following payments towards rent since July, 2011:

Date and Amount of Rent due	Amount paid	Balance owing
July, 2011: \$1,250.00	0	\$1,250.00
August, 2011: \$1,250.00	0	\$2,500.00
September, 2011: \$1,250.00	\$1,250.00	\$2,500.00
October, 2011: \$1,250.00	\$1,250.00	\$2,500.00
November, 2011: \$1,250.00	\$1,250.00	\$2,500.00
December, 2011: \$1,250.00	\$1,750.00	\$2,000.00
January, 2012: \$1,250.00	\$1,230.00	\$2,020.00
February, 2012: \$1,250.00	\$1,250.00	\$2,020.00
March, 2012: \$1,250.00	\$900.00	\$2,370.00
April, 2012: \$1,250.00	\$600.00	\$3,020.00

The Landlord testified that she stapled a Notice to End Tenancy for unpaid rent to the Tenant's door on April 9, 2012. The Landlord did not provide a copy of the Notice to End Tenancy in evidence.

The Landlord also seeks loss of revenue for the month of May, 2012 in the amount of **\$1,250.00**.

Analysis

I accept that the Landlord's undisputed affirmed testimony with respect to the amount of unpaid rent the Tenant owes.

The Landlord testified that the Tenant did not move out of the rental unit until May 1 or 2, 2012. Therefore, I find that the Landlord could not have re-rented the rental unit for May 1, 2012, and that the Landlord has suffered loss of revenue for May as a result. I allow the Landlord's application for loss of revenue for the month of May, 2012.

Pursuant to the provisions of Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary award. No interest has accrued on the security deposit.

The Landlord has been successful in her application and I find that she is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

I hereby provide the Landlord a Monetary Order, calculated as follows:

Unpaid rent	\$3,020.00
Loss of revenue	\$1,250.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$4,320.00
Less security deposit	<u>- \$500.00</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$3,820.00

Conclusion

I hereby provide the Landlord a Monetary Order in the amount of **\$3,820.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

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: May 18, 2012.

Residential Tenancy Branch