



# 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 matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, for compensation for a loss of rental income and to recover the filing fee for this proceeding. The Landlord's agent said the tenancy has ended and as a result, she withdrew her application for an Order of Possession.

The Landlord's agent said she served the Tenant in person on May 18, 2012 with the Application and Notice of Hearing (the "hearing package"). Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

### Issue(s) to be Decided

1. Are there rent arrears and if so, how much?
2. Is the Landlord entitled to compensation for a loss of rental income and if so, how much?

### Background and Evidence

This tenancy started on November 1, 2002 and ended on June 4, 2012 when the Tenant moved out. Rent is \$787.00 per month payable in advance on the 1<sup>st</sup> day of each month. The Tenant paid a security deposit of \$325.00 at the beginning of the tenancy.

The Landlord's agent said the Tenant did not pay rent for May 2012 in full and as a result, on May 2, 2012 she served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent which alleges rent arrears of \$507.00. The Landlord's agent said the Tenant has not paid the rent arrears for May 2012 and did not pay rent for June 2012. The Landlord's agent also claimed that the Tenant vacated the rental unit and returned the keys on June 4, 2012 but left many belongings behind and did not leave a forwarding address.

### Analysis

In the absence of any evidence from the Tenant to the contrary, I find that there are rent arrears of \$507.00 for May 2012. I also find that the Landlord is entitled to recover a late fee of \$25.00 for May 2012 pursuant to a term in the parties' tenancy agreement to that effect. I further find that the Landlord is entitled to recover unpaid rent for the period, June 1 – 4, 2012, in the pro-rated amount of \$104.93 as well as a loss of rental income for the period, June 5 – 15, 2012, in the pro-rated amount of \$288.57. The Landlord may re-apply for a further loss of rental income for June 2012 if it is unable to re-rent the rental unit for that period.

The Landlord is also entitled pursuant to s. 72 of the Act to recover from the Tenant the \$50.00 filing fee for this proceeding.

### Conclusion

A Monetary Order in the amount of **\$975.50** has been issued to the Landlord and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: June 06, 2012.

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Residential Tenancy Branch