



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, OPR, MNR

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 was served with notice of the hearing by registered mail that was mailed on June 29, 2012, however the respondent 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 an application for an Order of Possession, a monetary order for \$5,416.86, and a request for recovery of the \$100.00 filing fee.

Background and Evidence

The applicant testified that:

- Rent for this unit is \$1600.00 per month and is due on the first of the month.
- At this time this is a month-to-month tenancy.

- The tenant failed to pay the rent for the month of May 2012 and therefore on May 2, 2012 he personally served the tenant with a 10 day Notice to End Tenancy for non-payment of rent.
- The tenant subsequently vacated the rental unit approximately May 10 or 11th 2012.
- He has attempted to re-rent the unit but to date has been unable to do so.
- The tenant also failed to pay his utility bill to the City of Kelowna and he has been informed by the city that the outstanding amount is \$316.86.
- The tenant has also failed to pay his Terasen gas Bill, and he estimates that bill to be approximately \$250.00.

The applicant is therefore requesting a monetary order as follows:

May 2012 rent outstanding	\$1600.00
June 2012 lost rental revenue	\$1600.00
July 2012 lost rental revenue	\$1600.00
City of Kelowna outstanding utilities	\$316.86
Terasen gas utility outstanding	\$250.00
Filing fee	\$100.00
Total	\$5466.86

Analysis

The landlord no longer requires an Order of Possession, because the tenant has vacated and the landlord already has possession of the rental unit.

I will allow the landlords claim for the outstanding May 2012 rent, as the tenant failed to pay the rent for the month of May 2012.

I will also allow the landlords claim for lost rental revenue for the month of June 2012, because the landlord was unable to re-rent the unit in the month of June 2012.

I deny the landlords request for lost rental revenue for the month of July 2012, because in a month-to-month tenancy the tenant is only liable for one month lost rental revenue after the month in which the tenant vacates.

I also deny at this time the landlords claim for outstanding City of Kelowna utilities, and Terasen gas utilities, because the landlord has supplied no evidence in support of this portion of the claim.

I will allow 1/2 of the claim for the filing fee, because the total amount of the claim that I have allowed is less than the \$5,000.00 amount at which the fee goes from \$50.00 to \$100.00.

Conclusion

I have issued an order for the tenant to pay \$3250.00 to the landlord.

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: July 17, 2012.

Residential Tenancy Branch