



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, 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 and the filing fee.

The notice of hearing was served on the tenant on July 10, 2012 by registered mail to the address provided by the tenant. 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 without informing the landlord sometime at the end of June 2012. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent, loss of income and the filing fee.

Issues to be decided

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

Background and Evidence

The landlord testified that the tenancy started on June 01, 2012. The monthly rent was \$1,500.00 due in advance on the first of each month. The parties made arrangements to meet while the tenant was on his way to the rental unit. The tenant was supposed to pay the rent at this meeting, but failed to do so. The landlord visited the rental unit the next day and the tenant refused to pay rent. On June 12, 2012, the landlord served the tenant with a notice to end tenancy.

The landlord made application for dispute resolution on June 28 and visited the rental unit to serve the tenant with the notice of hearing. It was during this visit that the landlord discovered that the tenant had moved out. The landlord testified that he was unable to find a tenant for July and at the time of the hearing (August 01), the rental unit was vacant.

The tenant owed \$1,500.00 for June. The tenant moved out without paying rent. The landlord stated that the tenant left the unit in a very dirty and damaged condition. The landlord is claiming \$1,500.00 for rent for June, \$1,500.00 for loss of income for July and \$50.00 for the recovery of 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 is entitled to rent for June (\$1,500.00).

Section 45 of the *Residential Tenancy Act*, states that a tenant may end a periodic tenancy by giving the landlord notice to end the tenancy effective on a date that is not earlier than one month after the date the landlord receives the notice and is the day before the day in the month that rent is payable under the tenancy agreement.

Based on the undisputed testimony of the landlord, I accept the landlord's evidence in respect of the claim. In this case the tenant did not give the landlord adequate notice to end the tenancy, thereby causing the landlord to suffer a loss of income for the month of July 2012. Accordingly, I find that the landlord is entitled to **\$1,500.00**, which is the loss that he suffered.

Since the landlord has proven his claim, he is also entitled to the recovery of the filing fee (\$50.00).

Overall the landlord has established a total claim of \$3,050.00. 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 **\$3,050.00**.

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: August 01, 2012.

Residential Tenancy Branch