



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 19, 2012 in person in the presence of a witness. The landlord filed proof of service. 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 on July 21, 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 May 01, 2012. The monthly rent was \$1,700.00 due in advance on the first of each month and does not include hydro. The rental unit is a house that contains two suites. The tenant rented the entire house. The tenant failed to pay rent for July. On July 10, 2012, the landlord served the tenant with a notice to end tenancy.

The landlord stated that the tenant moved out on July 21, 2012 without paying rent or utilities for July. He left behind some of his personal belongings and the unit was not ready for a new tenant to move in. The landlord was able to find a tenant for the upper suite for August 01, 2012 and received \$975.00 for rent. The landlord is claiming \$1,700.00 for rent for July, \$ 80.00 for utilities, \$725.00 for loss of income for August and \$50.00 for the recovery of the filing fee.

Analysis

Based on the undisputed 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. In this case the tenant did not pay rent or utilities for July and caused the landlord to suffer a loss of income for the month of August 2012. Accordingly, I find that the landlord is entitled to rent for July (\$1,500.00), utilities for July (\$80.00) and loss of income for August (\$725.00).

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 \$2,555.00. 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 **\$2,555.00**.

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 10, 2012.

Residential Tenancy Branch