



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on November 15, the tenant did not participate in the conference call hearing.

At the hearing, the landlord advised that the tenant had vacated the rental unit and surrendered the keys. As an order of possession is no longer required, I consider that claim to have been withdrawn.

The landlord asked to amend the claim to include a claim for loss of income for November as the tenant did not vacate the unit until mid-month. I find that the tenant should reasonably have known that the landlord could not re-rent the unit while he was still residing therein and I allow the amendment.

Issues to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenant was obligated to pay \$875.00 in rent on the first day of each month. In July 2012, the tenant failed to pay \$80.00 of the rent owing, in August 2012 he failed to pay \$475.00 of the rent and he paid no rent whatsoever in September – November.

Analysis

I accept the landlord's undisputed testimony. I find that the tenant was obligated to pay \$875.00 in rent and failed to pay all the rent due in the months of July – October inclusive. I find that because the tenant occupied the unit in November without paying rent, he is responsible for the income the landlord lost. I further find that the landlord is

entitled to recover the filing fee paid to bring this application as the landlord was entirely successful. I award the landlord \$3,230.00 which represents the following awards:

July rent	\$ 80.00
September rent	\$ 875.00
October rent	\$ 875.00
November loss of income	\$ 875.00
Filing fee	\$ 50.00
Total:	\$3,230.00

Conclusion

The landlord is awarded \$3,230.00. I grant the landlord a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial Court 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: November 23, 2012

Residential Tenancy Branch