



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNDC, MNR, FF

### **Introduction**

This is the Landlords' application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; and to recover the cost of the filing fee from the Tenant.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that the Tenant abandoned the rental unit on October 12, 2012. She stated that she followed the Tenant to his new home on the day that he abandoned the rental unit and that she served him with the Notice of Hearing documents by handing the documents to him at his new residence on October 27, 2012, with a witness present.

The Landlord also testified that she hand delivered copies of her documentary evidence to the Tenant, with the police present, at his new home on November 18, 2012.

Based on the affirmed testimony of the Landlord, I am satisfied that the Tenant was served with the Notice of Hearing documents. The teleconference remained open for 25 minutes, but the Tenant did not sign into the Hearing.

### **Preliminary Matters**

The Landlords have taken back possession of the rental unit and therefore their application for an Order of Possession is dismissed.

### **Issues to Determine**

- Are the Landlords entitled to unpaid rent and loss of revenue for the months of September to November, 2012?

### **Background and Evidence**

The rental unit is a suite contained in the Landlords' residence. The Landlord testified that the tenancy began in mid-September, 2012. She stated that monthly rent was \$850.00 and that the Tenant did not pay a security deposit. The Landlord stated that the Tenant agreed to pay prorated rent in the amount of \$425.00 for the month of September, but his first payment cheque bounced.

The Landlord testified that the Tenant paid \$620.00 in cash on October 6, 2012, which was applied towards unpaid rent for September. Therefore, the Tenant paid only \$195.00 towards October rent.

The Landlord stated that the Tenant left personal property at the rental unit and that she sent a letter to the Tenant at his new address advising him to pick it up or it would be dealt with in accordance with the provisions of the regulations. The Landlord told the Tenant that he had until midnight, November 13, 2012, to remove his property.

The Landlord testified that on November 18, 2012, the Landlords attended with the police at the Tenant's new residence and delivered the Tenant's property to him there.

The Landlord stated that the rental unit was advertised for rent on a popular on-line web site on October 9 and 17, 2012, but that no one was interested in renting it because the Tenant's possessions were on the property. The Landlord stated that the rental unit has been rented for December 1, 2012.

### **Analysis**

Based on the affirmed testimony of the Landlord, I find that the Tenant did not give due notice to end the tenancy and that he did not pay full rent for the month of October, 2012. I accept the Landlord's testimony that the Tenant abandoned the rental unit and some of his personal possessions on October 12, 2012.

I find that the Landlords are entitled to a monetary award against the Tenant for unpaid rent for the month of October in the amount of **\$655.00**.

The Landlords did not provide copies of on-line ads, or provide an explanation as to why they did not take reasonable steps to remove the Tenant's property and store it safely or return it to the Tenant, so that they could re-rent the rental unit for November 1, 2012. I find that the Landlords did not provide sufficient evidence with respect to steps that they took to mitigate their loss of revenue for the month of November, and therefore this portion of their application is dismissed.

The Landlords have been partially successful in their application and I find that they are entitled to recover the cost of the **\$50.00** filing fee from the Tenant.

### **Conclusion**

The Landlords' application for an Order of Possession is dismissed.

I hereby provide the Landlords a Monetary Order in the amount of **\$705.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: December 03, 2012.

---

Residential Tenancy Branch