

DECISION

Dispute Codes: OPR; MNR; FF

Introduction

This is the Landlord's 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 Tenants.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that he hand delivered the Notice of Hearing documents to each of the Tenants, at the rental unit on November 20, 2012.

Based on the Landlord's affirmed testimony, I am satisfied that both of the Tenants were duly served with the Notice of Hearing documents. Despite being served with the Notice of Hearing documents, the Tenants did not sign into the teleconference and the Hearing proceeded in their absence.

Preliminary Matter

At the outset of the Hearing, the Landlord testified that the Tenants moved out of the rental unit on December 19, 2012, without leaving a forwarding address.

The Landlord has taken back possession of the rental unit and therefore his application for an Order of Possession is dismissed.

Issues to be Decided

- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

The Landlord gave the following testimony:

The rental unit is a suite in the Landlords' home. Monthly rent was \$650.00, due on the first day of each month. The Tenants paid a security deposit in the amount of \$325.00.

On November 6, 2012, the Landlord's agent served the Tenants with a 10 Day Notice to End Tenancy for Unpaid Rent, by hand delivering the Notice to the Tenants at the rental unit. A copy of the Notice was provided in evidence, which states that the Tenants failed to pay rent in the amount of \$325.00 that was due on November 1, 2012. The Landlord testified that the Tenants still owe the outstanding rent for November and that he is also seeking loss of revenue for the month of December in the amount of \$650.00.

The Landlord asked to apply the security deposit towards partial satisfaction of the Landlords' monetary claim.

Analysis

Based on the undisputed evidence of the Landlord, I find that the Landlords have established their monetary claim in the total amount of \$975.00, calculated as follows:

Unpaid rent for November 1, 2012	\$325.00
Loss of revenue for December, 2012	<u>\$650.00</u>
TOTAL	\$975.00

Pursuant to Section 72(2)(b) of the Act, the Landlords may apply the security deposit towards partial satisfaction of the Landlords' monetary award.

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

I hereby provide the Landlords a Monetary Order, calculated as follows:

Unpaid rent and loss of revenue	\$975.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$1,025.00
Less security deposit	<u>- \$325.00</u>
TOTAL AMOUNT DUE TO THE LANDLORDS AFTER SET-OFF	\$700.00

Conclusion

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

I hereby provide the Landlords with a Monetary Order in the amount of \$700.00 for service upon the Tenants. 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 21, 2012.

Residential Tenancy Branch