



# 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 was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and utilities, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution. The Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated.

It is readily apparent from information included on the Application for Dispute Resolution that the Landlord is seeking compensation for loss of revenue from December of 2012 and the Application for Dispute Resolution has, therefore, been amended to include an application for a monetary Order for money owed or compensation for damage or loss.

The male Landlord stated that the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord wishes to rely upon as evidence were sent to each Tenant at the rental unit, via registered mail, on November 28, 2012. The Landlord submitted Canada Post documentation that corroborates this statement. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however neither Tenant appeared at the hearing.

### Issue(s) to be Decided

Is the Landlord is entitled to a monetary Order for unpaid rent, unpaid utilities, and lost revenue; and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 67 and 72 of the *Act*?

### Background and Evidence

The male Landlord stated that this tenancy began on July 28, 2012; that the tenancy agreement required the Tenant to pay monthly rent of \$1,400.00 by the first day of each month; that on November 20, 2012 he personally served a Ten Day Notice to End Tenancy for Unpaid Rent, which had an effective date of November 30, 2012, to the male Tenant; and that he was informed by a neighbor that the Tenant moved out sometime in early December of 2012.

The Landlord submitted a copy of a tenancy agreement that indicates this is a fixed term tenancy, the fixed term of which ends on July 28, 2013.

The female Landlord provided a detailed account of when various amounts of rent were paid. Rent payments of \$4,850.00 were made for the period between July 28, 2012 and November 30, 2012.

The Landlord is seeking compensation for lost revenue from December, in the amount of \$1,400.00.

The Landlord withdrew the application for compensation for unpaid utilities, in the amount of \$240.00, as the Tenant has paid this bill. The male Landlord stated that the Tenant owes for another utility bill that arrived after the Landlord filed this Application for Dispute Resolution. He was advised that the second bill could not be considered during these proceedings, as the Tenant was not advised that the Landlord was seeking compensation for that bill. He was advised that he has the right to file another Application for Dispute Resolution seeking compensation for the second utility bill.

### Analysis

Based on the undisputed evidence, I find that the Tenant entered into a fixed term tenancy agreement, the fixed term of which ends on July 28, 2013, which requires the Tenant to pay monthly rent of \$1,400.00 by the first day of each month. I therefore find that the Tenant was obligated to pay \$5,600.00 in rent for the period between August 01, 2012 and November 30, 2012, plus \$180.64 for the last four days in July of 2012.

Based on the undisputed evidence, I find that the Tenant paid a total of \$4,850.00 in rent for the period between July 28, 2012 and November 30, 2012. I therefore find that the Tenant still owes \$930.64 in outstanding rent for this period.

I find that this tenancy ended as a result of the Landlord serving a Notice to End Tenancy that flowed from the Tenant's failure to pay rent. I find that the Tenant's failure to pay rent significantly contributed to the loss of revenue experienced by the Landlord in December of 2012. As this was a fixed term tenancy, I find that the Landlord was entitled to receive rent for December. I therefore find that the Tenant must compensate the Landlord for lost revenue from December, in the amount of \$1,400.00.

I find that the Landlord's application has merit and that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application.

### Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$2,380.64, which is comprised of \$930.64 in unpaid rent, \$1,400.00 in lost revenue, and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute

Resolution, and I grant the Landlord a monetary Order for this amount. In the event the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims 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: January 08, 2013.

