



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OP, MNDC / MNDC, OLC, LRE, LAT

Introduction

This hearing was scheduled in response to 2 applications: i) by the landlords for an order of possession / and a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement; and ii) by the tenant for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / an order suspending or setting conditions on the landlord's right to enter the rental unit / and permission to change the locks to the rental unit.

Landlord "NSG" attended the hearing and gave affirmed testimony. Despite scheduling of the hearing in response to applications by both parties, and despite the landlord's in-person service of the application for dispute resolution and notice of hearing (the "hearing package") on or about January 31, 2013, the tenant did not appear.

As the tenant has now vacated the unit, the landlord withdrew the application for an order of possession.

Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on December 15, 2012. Monthly rent of \$675.00 is due and payable in advance on the first day of each month, and a security deposit of \$337.50 was collected. There is no move-in condition inspection report in evidence.

By letter dated December 25, 2012, the tenant gave notice to end tenancy effective January 31, 2013. Subsequently, however, the tenant did not vacate the unit by that

date. Rent was paid for January 2013, but the tenant paid no rent for February and vacated the unit on or about February 10, 2013 without providing a forwarding address. The landlord testified that he found the unit in need of certain cleaning and repairs. There is no move-out condition inspection report in evidence. While the landlord testified that he repaid the tenant's security deposit as an incentive for the tenant to vacate the unit, he seeks compensation for loss of rental income for February.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that after giving notice in December 2012 to vacate the unit effective January 31, 2013, the tenant paid rent to the end of January 2013, but vacated the unit on or about February 10, 2013 without paying any rent for February 2013. I further find that the tenant's delayed departure and the condition of the unit, both hindered the landlords' ability to re-rent the unit. In summary, I find that the landlords have established entitlement to a **monetary order** in the amount of **\$675.00**, reflecting compensation for loss of rental income for February 2013.

The landlords have not applied to recover the filing fee.

Conclusion

The tenant's application is hereby dismissed.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$675.00**. This order may be served on the tenant, filed in the 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: February 26, 2013

Residential Tenancy Branch

