



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail it was mailed on January 25, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for unpaid rent and late fees, and a request for recovery of the \$50.00 filing fee.

### Background and Evidence

The applicant testified that:

- This tenancy began on September 1, 2012 with a monthly rent of \$975.00.
- A security deposit of \$487.50 was collected on August 30, 2012.

- The tenants failed to pay a portion of the January 2013 rent and therefore on January 2, 2013 a 10 day Notice to End Tenancy was put through their mail slot.
- The tenants failed to comply with the 10 day notice, however they subsequently vacated the rental unit and the landlord regained possession on January 23, 2013.
- No further rent was paid and they have been unable to re-rent the unit in the month of February 2013 due to the poor condition in which the unit was left.
- They are therefore requesting a monetary order as follows:

January 2013 rent outstanding	\$335.00
January 2013 late fee	\$25.00
February 2013 lost rental revenue	\$975.00
February 2013 late fee	\$25.00
Filing fee	\$50.00
Total	\$1410.00

### Analysis

The applicants have withdrawn the request for an order possession as they now have regained possession of the rental unit.

The applicants have shown however that there is still \$335.00 rent outstanding for the month of January 2013 and I therefore allow that portion of the claim.

The applicants have also been unable to re-rent the unit for the month of February 2013 and I therefore also allow the request for the lost rental revenue.

I also allow the claim for late payment charges, however in the tenancy agreement it states that the amount for late payment charges is \$20.00 and therefore I will only allow a total of \$40.00.

I will allow the request for recovery of the filing fee.

Conclusion

I have allowed \$1400.00 of the landlords claim and have issued a monetary order in the amount.

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 14, 2013

---

Residential Tenancy Branch

