



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MND, MNDC, MNR, OPR

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 was served with Notice of the Hearing by registered mail that was mailed on April 18, 2013; and however the respondent 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 in the amount of \$1565.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began on October 1, 2010 in the present monthly rent is \$740.00 plus a \$10.00 parking fee for a total of \$750.00.
- The tenants rent cheque for the month of April 2013 was not honoured by the bank and therefore on April 4, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant failed to comply with the Notice to End Tenancy and therefore on April 15, 2013 they applied for dispute resolution.
- The tenant subsequently vacated the rental unit on April 28, 2013 however the tenant paid no further rent.
- The rental unit was left in very poor condition and they are not going to be able to re-rent the unit in the month of May 2013.
- They are therefore requesting a Monetary Order as follows:

April 2013 rent/parking outstanding	\$750.00
April 2013 late fee	\$20.00
April 2013 NSF fee	\$25.00
May 2013 lost rental revenue	\$740.00
Filing fee	\$50.00
-----	-----
Total	\$1585.00

Analysis

The landlords no longer require an Order of Possession as the tenant has vacated the rental unit and has return possession to the landlords.

It's my finding however that the landlords have shown that the tenant failed to pay April 2013 rent/parking and therefore I allow the landlords claim for that outstanding amount.

I also allow the claim for late fees and NSF fees, as the landlord has shown that the tenants rent cheque was not honored.

I also allow the landlords claim for lost rental revenue for May 2013, because to date the landlord has been unable to re-rent the unit and I find it unlikely that it will be re-rented before the end of the month.

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

Conclusion

I have allowed the landlords full reduced claim of \$1585.00 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: May 13, 2013

Residential Tenancy Branch

