



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept the landlord's evidence that the tenant was properly served with the Notice to End Tenancy by way of personal service on April 2, 2013.

I accept the landlord's evidence that the tenant was properly served with the Application for Dispute Resolution including the Notice of Hearing and the landlord's evidence by way of personal service on April 9, 2013.

The tenant did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

Background and Findings

Order of Possession

The landlord's agent submitted that the tenant vacated the rental unit on April 27, 2013 and an Order of Possession is now no longer required.

Monetary Order

Rental Arrears, Loss of Revenue

Based on the undisputed evidence of the landlord I find that the landlord has met the burden of proving that there are rental arrears. I find the landlord is entitled to recovery of those arrears. I will award the landlord a monetary order for rental arrears in the sum of \$1,200.00 for April.

In addition the landlord has claimed loss of revenue for May. The landlord submits that the tenant vacated on April 27, 2013 without advising the landlords of her intentions leaving furnishings and debris behind that the landlords must dispose of. The landlord therefore claims rent for May 2013. Based on the undisputed evidence of the landlord I will allow half a month's rent for May 2012 in the sum of \$600.00 with leave to reapply for further loss of revenue as the landlord may deem necessary.

Filing Fees

As the landlord has been successful in this application I find that the landlord is entitled to recover the filing fees paid for this application.

Security Deposit

The landlord testified that the tenant failed to pay all of the security deposit and paid only \$50.00. I will allow the landlord to retain this deposit in partial satisfaction of the rental arrears.

Calculation of total Monetary Award

Rental Arrears and loss of revenue	\$1,800.00
Filing Fees for the cost of this application	50.00
Less Security Deposit	-50.00
Interest from the date the deposit was paid to the date of this Order	0.00
Total Monetary Award	\$1,800.00

Conclusion

The landlord is provided with a formal copy of an order for the total monetary award as set out above. This is a final and binding Order enforceable as any Order of the Provincial Court of British Columbia.

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 06, 2013

Residential Tenancy Branch

