



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR CNR RR

Introduction

This hearing dealt with applications by the tenants and the landlord. The tenants applied to cancel a notice to end tenancy for unpaid rent, as well as for a reduction in rent. The landlord applied for an order of possession and a monetary order for unpaid rent.

During the hearing the tenants stated that they had vacated the rental unit. I therefore found that the tenancy had ended, and I did not address the landlord's application for an order of possession or the tenants' application to cancel the notice to end tenancy or a reduction in rent.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on May 5, 2013, with monthly rent of \$1000 payable in advance on the first day of each month. The tenants did not pay rent for June 2013, and on June 12, 2013 the landlord served the tenants with a notice to end tenancy for unpaid rent. The tenants paid the landlord \$1000 on June 13, 2013.

The tenants stated that they vacated the rental unit on July 5, 2013. The landlord stated that the tenants were still in the rental unit on July 7, 2013, and that they left behind furniture, boxes and garbage. The owner further stated that one of the tenants texted

the landlord and stated that she was not moving out until July 29, 2013. The landlord stated that the rental unit still requires cleaning before it can be re-rented.

Analysis

I find that the tenants did not vacate the rental unit until after the beginning of July 2013. I accept the evidence of the landlord as credible that one tenant texted the landlord and stated that she would not vacate until July 29, 2013. I therefore find that the landlord had a reasonable expectation that they would not be able to re-rent the unit for July 2013, and I grant the landlord \$1000 for lost revenue for July 2013.

Conclusion

I grant the landlord an order under section 67 for the balance due of \$1000. This order may be 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: July 23, 2013

Residential Tenancy Branch