



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Parkside Realty Inc.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      FF, MNDC, MNR, MNSD, OPR

### Introduction

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 outstanding rent and utilities, and a request for recovery of the \$50.00 filing fee.

At the hearing however the applicant stated that the tenant has vacated the rental unit and therefore they no longer require an Order of Possession.

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 testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 12, 2013; however the respondent did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after serving and I therefore find that the notice of hearing was served by June 17, 2013.

All testimony was taken under affirmation.

At the beginning of the hearing the applicant also requested that I deal with some additional costs there were not claimed on the original application; however the applicant also testified that an amendment to the claim has not been filed or served on the respondent, nor has the evidence of the additional costs been served on the respondent. It is my decision therefore that I will not deal with the additional costs; however the applicant is free to file a separate claim for those costs.

Issue(s) to be Decided

Has the applicant established a claim for outstanding rent and utilities?

Background and Evidence

The applicant testified that:

- The tenant has failed to pay \$610.00 of the May 2013 rent, and has failed to pay the full \$1170.00 June 2013 rent.
- They have also been unable to re-rent the unit for the month of July 2013 and therefore are likely to lose the full \$1170.00 rental revenue for July 2013.

Analysis

It's my finding that the landlord has shown that the tenant has failed to pay \$610.00 of the May 2013 rent or any of the June 2013 rent, and therefore I allow that portion of the claim.

I also allow the claim for loss rental revenue for July 2013, as we are well into the month and I find it unlikely that the unit will be re-rented before the end of July 2013.

The applicant had also claimed \$395.00 in outstanding City of Penticton utilities; however the applicant has supplied no evidence in support of this claim; however since the respondent did not appear at today's hearing I am willing to dismiss this portion of the claim with leave to reapply.

I will allow the claim for recovery of the \$50.00 filing fee.

Therefore the total amount of the claim that I have allowed is as follows:

May 2013 rent outstanding	\$610.00
June 2013 rent outstanding	\$1170.00
July 2013 lost rental revenue	\$1170.00
Filing fee	\$50.00
Total	\$3000.00

Conclusion

I have allowed \$3000.00 of the applicants claim and I therefore order that the applicant may retain the full security deposit of \$585.00, and I've issued an order in the amount of \$2415.00.

As stated above the claim for \$395.00 in outstanding utilities is dismissed with leave to reapply.

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 10, 2013

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Residential Tenancy Branch

