



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, CNR, MT, RR, FF

Introduction

In the first application the landlord seeks an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent and for a monetary award for unpaid rent. In the second application the tenant seeks to cancel the ten day Notice and asks for more time to apply. She also requests a rent reduction.

By the time of hearing the tenant had found new accommodation and was in the process of vacating the rental unit. It was agreed that her application to set aside the Notice was now redundant, as well as her request for a rent reduction. It was agreed that the tenant would vacate the premises on or before one o'clock in the afternoon on Sunday, August 11, 2013 and that the landlord and tenant would meet at the premises at that time to conduct a move-out inspection together. The landlord will have an order of possession in the event that the foregoing does not unfold as it should.

Issue(s) to be Decided

What, if anything, is the landlord owed?

Background and Evidence

The rental unit is a three bedroom house. The tenancy started May 1st of this year for a fixed term to August 1, 2013, at which time the tenant agreed under the tenancy agreement she would vacate. The monthly rent was agreed at \$2650.00 and the tenant agreed to provide a \$1325.00 security deposit.

The tenant testified that she was in an "HST dispute" resulting in early May 2013 in the freezing of a bank account under which she had issued rent cheques.

In result the tenant did not pay the security deposit nor has she paid the landlord any rent though she has continued to reside in the house since May and past the agreed end of tenancy date of August 1, 2013.

Analysis

I grant the landlord a monetary award of \$7950.00 as claimed. I allow him to amend his claim to include a claim for loss of August rental income. I find that it now being August 7th, it is more than likely that the landlord will not find a tenant for August and he will lose that income. Indeed, his undisputed evidence is that he had a tenant for August but lost her when this tenant overhired into August. I award him an additional \$2650.00 for loss of August rental income, plus the \$100.00 filing fee.

Conclusion

The landlord will have an order of possession enforceable if this tenant fails to return peaceable vacant possession on or before one o'clock in the afternoon on August 11, 2013.

The landlord will have a monetary order against the tenant in the amount of \$10,700.00.

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: August 07, 2013

Residential Tenancy Branch

