



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF, CNR, MNDC, RP

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant has filed an application seeking to have the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities set aside, seeks an order to have the landlord conduct repairs and is also seeking a monetary order for money owed or compensation for damage or loss under the Act, the regulation or the tenancy agreement. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is either party entitled to any of the above under the Act, the regulation or the tenancy agreement?

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about sometime in 2008. Rent in the amount of \$650.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of July and on August 3, 2013 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of August and September. The landlord advised that the tenant made a partial payment of \$300.00 for the month of July. The landlord stated that as of today's hearing the amount of unpaid rent is \$1600.00. The landlord is also seeking \$28.00 for X 3 months as the tenant

obtained internet and added it to the landlords' bill. The landlord advised that as of September 5, 2013 the tenant had not returned the keys and was seen doing laundry onsite two days prior. The landlord is seeking loss of revenue for the month of September.

The tenants' agent gave the following testimony:

The tenants' agent stated that the tenant moved out over the September long weekend and believes that the tenant vacated on September 1. The agent stated that she does not dispute the amount of unpaid rent for July or August but does not feel the tenant should bear the burden of lost rent for September.

Analysis

Both parties confirmed that the tenant no longer lives at the subject property and accordingly an order of possession is no longer required. Based on the information provided by the parties I dismiss the landlords' application seeking an order of possession. The landlord was seeking the recovery of internet costs incurred as a result of the tenant however the landlord did not provide any documentation to support that claim and accordingly I dismiss that portion of the landlords' application.

The landlords stated that the tenant had not provided any notice to move out and was still on the property as of September 5, 2013. The tenants' agent acknowledged that the tenant was still occupying the suite as of September 1. I find that the landlord has established their claim.

As for the monetary order, I find that the landlord has established a claim for \$1600.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$1650.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The tenant has vacated the unit and no longer requires me to consider having the notice set aside. The tenant did not provide sufficient evidence to support their claim for compensation nor to have any repairs conducted and as a result I dismiss the tenants' application in its entirety.

Conclusion

The landlord is granted a monetary order for \$1650.00.

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: September 12, 2013

Residential Tenancy Branch

