



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 for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. On October 22, 2013 the landlord served the tenants with the application for dispute resolution and notice of hearing by registered mail. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on October 27, 2013, and I proceeded with the hearing in the absence of the tenants.

At the outset of the hearing, the landlord stated that the tenants vacated the rental unit on November 3, 2013, and they therefore no longer required an order of possession. The landlord also stated that they wished to withdraw the portion of their claim regarding the security deposit, and I allowed the landlord to do so.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on April 15, 2012 as a fixed term tenancy to end on April 15, 2014. Rent in the amount of \$5,250 was payable in advance on the 15th day of each month. The tenants failed to pay rent from June 15, 2013 to November 3, 2013, and the landlord has claimed \$24,500 in unpaid rent and lost revenue. In support of their claim, the landlord submitted copies of the tenancy agreement and a notice to end tenancy for

unpaid rent dated October 8, 2013, which indicated that as of September 15, 2013 the tenants owed \$21,000 in unpaid rent and lost revenue.

Analysis

Based on the landlord's undisputed evidence, I find that they have established a claim for \$24,500 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$100 filing fee for the cost of their application.

Conclusion

I grant the landlord an order under section 67 for the balance due of \$24,600. 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: December 19, 2013

Residential Tenancy Branch

