



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF, CNR

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 filed an application seeking to have the Ten Day Notice to End Tenancy for Unpaid Rent or Utilities set aside. The landlord participated in the hearing, the tenant did not. The hearing proceeded in the absence of the tenant. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Is the tenant entitled to have the notice set aside?

Background and Evidence

The tenancy began on or about July 1, 2013. Rent in the amount of \$1100.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of October and on October 15, 2013 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of November. The landlord advised that the tenant has now vacated the suite and seeks loss of revenue for the month of December.

Analysis

The tenant chose not to participate in this hearing or submit any documentary evidence for consideration; accordingly I dismiss the tenant's application in its entirety.

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The landlord advised that the tenant has vacated the suite and left the keys, accordingly I dismiss the landlords' application for an order of possession.

The landlord advised they have done their best to rent the unit and mitigate their losses. The landlord has rented the unit for January 2014. Due to the timing of this hearing so late in the month I find that the landlord is entitled to the loss of revenue for the month of December.

As for the monetary order, I find that the landlord has established a claim for \$3300.00 in unpaid rent and loss of revenue. 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 \$3350.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$3350.00.

The tenants application is dismissed in its entirety.

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: November 28, 2013

Residential Tenancy Branch

