



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, OPB, OPR

### Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for the outstanding rent.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on October 22, 2013; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The applicant has withdrawn the request for an Order of Possession as the tenant has vacated and the landlord now has possession of the rental unit.

The issue therefore is whether or not to issue a Monetary Order for outstanding rent.

### Background and Evidence

The applicant testified that:

- This tenancy began on October 1, 2013, for a fixed term of one year and with the monthly rent of \$900.00.
- The tenant only paid one half of the October 2013 rent and therefore on October 12, 2013 the tenant was personally served with a 10 day Notice to End Tenancy.

- The tenant did not comply with that notice within the 10 day time frame; however the tenant subsequently vacated the rental unit on October 31, 2013.
- The tenant did not pay the outstanding October 2013 rent, and although she has been attempting to re-rent the unit by actively advertising it and showing it, to date she has been unable to re-rent the unit.

The applicant is therefore requesting a Monetary Order as follows:

October 2013 rent outstanding	\$450.00
November 2013 lost rental revenue	\$900.00
December 2013 lost rental revenue	\$900.00
Total	\$2250.00

### Analysis

It's my finding that the applicant has shown that the tenant failed to pay \$450.00 of the October 2013 rent, and therefore I allow that portion of the claim.

It's also my finding that the applicant has been taking reasonable steps to attempt to re-rent the unit and to date has been unable to do so, and therefore I also allow the claim for loss rental revenue for the month of November 2013, and December 2013 as I find it unlikely that the unit will now be re-rented before the end of December 2013.

This is a fixed term tenancy that runs until September 30, 2014, and therefore the tenant is liable for any lost rental revenue during the term of the tenancy as long as the landlord has been taking reasonable steps to mitigate the loss.

### Conclusion

I have issued a Monetary Order in the amount of \$2250.00.

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: December 02, 2013

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Residential Tenancy Branch

