



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GATEWAY PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes:

OPR, MNDC, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on a Notice to End Tenancy for Unpaid Rent dated November 2, 2013, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on November 15, 2013 and confirmed by the Canada Post registered mail tracking number, the tenant did not appear.

At the outset of the hearing, the landlord stated that they are no longer seeking an Order of Possession as the tenant vacated the unit sometime in November, 2013. The landlord still seeks a monetary order for the rent owed.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for rental arrears?

Background and Evidence

The landlord testified that the one-year fixed term tenancy began on March 1, 2013 at which time the tenant paid a security deposit of \$430.00. The landlord testified that when the tenant failed to pay \$860.00 rent due on November 1, 2013, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served to the tenant by posting it on the door on November 2, 2013.

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated November 2, 2013 with effective date of November 12, 2013 and a copy of the tenancy agreement. The landlord testified that the tenant did not pay the \$860.00 arrears for November 2013 and the landlord's attempts to re-rent the unit for December and January were not successful.

The landlord suffered a loss of revenue for the two-month vacancy in the amount of \$1,720.00 which is being claimed. The total claim is for \$2,580.00 plus the \$50.00 cost of the application.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. The tenant has not paid the outstanding rent and did not apply to dispute the Notice.

I find that the landlord has established a total monetary claim of \$2,630.00, comprised of rental arrears totaling \$860.00, loss of revenue in the amount of \$1,720.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$430.00 in partial satisfaction of the claim leaving a balance due of \$2,200.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$2,200.00. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The landlord is successful in the application and is granted a monetary order for rental arrears and loss of revenue. The request for the order of possession was found to be moot, as the tenant vacated prior to the hearing.

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: January 08, 2014

Residential Tenancy Branch

