



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent, loss of income and the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Since the tenant moved out on January 09, 2014, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent, loss of income and the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent and filing fee?

Background and Evidence

The tenancy started in September 2013. The monthly rent was \$700.00 due in advance on the first of each month. The tenant failed to pay rent for November and December. On December 06, 2013, the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent. The tenant stated that she did not pay rent because of problems within the rental unit and because the landlord indicated to her that he wanted the rental unit for his own use. The tenant moved out on January 09, 2014.

The landlord stated that he does not have a tenant for January as the tenant moved out on January 09, just the day prior to this hearing. The landlord is claiming rent for November and December and loss of income for January. The landlord is applying for a monetary order in the amount of \$2,100.00 for unpaid rent/loss of income plus \$50.00 for the filing fee.

Analysis

Based on the sworn testimony of the both parties, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on December 06, 2013. The tenant moved out on January 09, 2014, without giving the landlord adequate notice, thereby not giving the landlord an opportunity to find a tenant for January which resulted in a loss of income.

I find that the landlord is entitled to \$1,400.00 for unpaid rent for November and December 2013. I further find that the landlord is entitled to the loss of income that he suffered for January in the amount of \$700.00. Since the landlord has proven his case he is also entitled to the filing fee of \$50.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of 2,150.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$2,150.00**.

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: January 10, 2014

Residential Tenancy Branch

