



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MND, MNR, MNDC, MT, CNR, FF

### Introduction

This hearing dealt with two related applications. File L is the landlord's application for an order of possession and a monetary order. File T is the tenants' application for an order setting aside a notice to end tenancy and allowing the tenant more time to make the application. Although served with the landlord's application for dispute resolution and the notice of hearing by registered mail, neither tenant appeared at the hearing. As the parties and circumstances are the same on both files, one decision will be rendered for both.

At the beginning of the hearing the landlord advised that the tenants had vacated the rental unit and an order of possession was no longer required.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

### Background and Evidence

This one-year fixed term tenancy commenced May 15, 2013. The monthly rent of \$900.00 was due on the first day of the month. The tenants paid a security deposit of \$450.00. The tenants also paid a pro-rated rent for May in the amount of \$450.00.

On November 25, 2013 the landlord issued and served a 10 Day Notice to End Tenancy for Non-Payment of Rent. The tenants moved out of the rental unit on or about December 19, 2013.

The landlord testified that the tenants only paid \$800.00 for October and nothing for November or December and the arrears of rent total \$1900.00. The landlord also testified that the tenants left the rental unit in very poor condition and as a result of the work that has been required to bring the unit to rentable condition she has not been to re-rent the unit for January.

Analysis

I find that the landlord has established a total monetary claim of \$2850.00 comprised of arrears of rent in the amount of \$1900.00, loss of rental income for January in the amount of \$900.00, and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit of \$450.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2400.00.

The landlord had filed some evidence in support of a claim for damages and cleaning. As explained to the landlord in the hearing, her application for dispute resolution asked for \$2800.00, it had not been amended to claim a great amount, and so, an award in a larger amount could not be granted. The landlord may make any claim for damages or cleaning in a separate application for dispute resolution.

As the tenants did not appear their claim is dismissed without leave to re-apply.

Conclusion

A monetary award has been granted to the landlord. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that court.

The tenants' application has been dismissed without leave to re-apply.

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 22, 2014

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Residential Tenancy Branch