



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, MND, MNSD, FF

Introduction

This was a hearing with respect to the landlord's application for an order for possession pursuant to a one month Notice to End Tenancy for cause and for a monetary order. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenants did not attend, although served with the application and Notice of Hearing. Since the landlord filed her application for dispute resolution the tenants have moved out of the rental unit and an order for possession is no longer required. The tenants moved out on or about December 6, 2014. The landlord's application for an order for possession is therefore dismissed.

Issue(s) to be Decided

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

Background and Evidence

The rental unit is a suite in Fort St. John. The tenancy began in December, 2010. The current rent is \$1,450.00 payable on the first of each month. The tenants paid a security deposit of \$700.00 at the start of the tenancy.

The landlord served the tenants with a one month Notice to End Tenancy for cause on October 11, 2013. The tenants did not dispute the Notice to End Tenancy, but they did not move out on the effective date of the Notice to End Tenancy. They moved out on December 6, 2013 and they did not pay rent for December. The landlord has applied for a monetary award for loss of rent for December and she included a claim for the costs to repair the rental unit, although at the time of her application those costs were not known because the tenants were still in possession of the rental unit and the extent of the necessary repairs had not been established.

Analysis

The tenants did not move out on the effective date of the Notice to End Tenancy which was November 30, 2013 and they failed to pay rent for December. The landlord was unable to re-rent the unit for the month of December. I find that the landlord is entitled to a monetary award for loss of rent for December in the amount of \$1,450.00. The landlord has not provided evidence to support a claim for an award for cleaning or repairs and this claim is dismissed with leave to reapply.

Conclusion

I have awarded the landlord the sum of \$1,450.00 for loss of rent for December. The landlord is entitled to recover the \$50.00 filing fee for a total award of \$1,500.00. I order that the landlord retain the \$700.00 security deposit that she holds in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$800.00. This order may be registered in the Small Claims Court and enforced as an order of that court.

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

Residential Tenancy Branch

