



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SHELMAR ENTERPRISES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, OPC, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened in response to an orally amended application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for solely a Monetary Order in respect to loss of revenue and the filing fee.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord claims the tenant vacated April 03, 2014; therefore an Order of Possession is not necessary. The landlord was represented by their authorized agent who was given opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The relevant testimony in this matter is as follows. During this tenancy rent in the amount of \$670.00 was payable in advance on the first day of each month. The landlord's agent testified the landlord holds a security deposit in trust in the amount of \$335.00. The tenant failed to pay rent in the month of February and on February 04, 2014 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The landlord provided copies of receipts indicating the tenant subsequently satisfied the rent for February and March 2014 – which the landlord accepted for *use and occupancy only*. However, the landlord claims the tenant ultimately vacated inside the first week of April 2014, for which month they seek a loss of revenue.

Analysis

Based on the testimony before me I find that the tenant vacated April 03, 2014 without

payment of rent for April 2014 for which I find the landlord has established a monetary claim. The landlord is also entitled to recovery of the filing fee. The security deposit being held will be off-set.

Calculation for Monetary Order

Unpaid rent / loss of revenue for April 2014	\$670.00
Filing fee	50.00
<i>Less applicable security deposit</i>	<i>-335.00</i>
Total monetary award to landlord	\$385.00

Conclusion

I Order that the landlord retain the security deposit of \$335.00 in partial satisfaction of the claim and **I grant** the landlord an Order under Section 67 of the Act for the balance due of **\$385.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: April 28, 2014

Residential Tenancy Branch

