



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNDC FF

Introduction

This hearing dealt with an application by the landlord for a monetary order.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that he personally served the tenant with the application for dispute resolution and notice of hearing on January 24, 2014. I accepted the landlord's testimony regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

Preliminary Issue – Claim for Damages

The landlord submitted documentary and photographic evidence to show damage to the rental unit and subsequent repairs. The landlord stated that he did not serve this evidence on the tenant. The landlord's application was for \$3000 for unpaid rent and lost revenue only. I explained to the landlord that I could not amend his application to include an amount for damages, as the tenant was not served with notice of an amendment. Further, I could not consider any evidence that was not served on the tenant.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on October 24, 2013. Rent in the amount of \$1000 was payable in advance on the first day of each month. The landlord stated that the tenant only paid rent for November 2014.

As evidenced in a previous decision, the landlord served the tenant with a notice to end tenancy for unpaid rent on December 3, 2013. On January 2, 2014, pursuant to the landlord's application through the direct request process, the landlord received an order of possession and a monetary order for \$1000, representing December 2013 rent.

The landlord stated that the tenants were removed from the rental unit by the bailiff on February 12, 2014. The landlord has claimed \$3000 in unpaid rent and lost revenue for January, February and March 2014.

Analysis

Based on the above-noted evidence and on a balance of probabilities, I find that the landlord is entitled to lost revenue for January and February 2014, in the amount of \$2000. The landlord did not provide sufficient evidence to establish that he was entitled to lost revenue for March 2014, and I therefore dismiss that portion of the landlord's claim.

As the landlord's application was mostly successful, they are also entitled to recovery of the \$50 filing fee for the cost of this application.

Conclusion

I grant the landlord an order under section 67 for the amount due of \$2050. This order may be filed 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: May 13, 2014

Residential Tenancy Branch

