



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

Landlord's application: OPR; MNR; MNDC, FF

Tenants' application: CNR; OLC

### Introduction

This matter was convened to hear cross applications. The Landlord seeks an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; and to recover the cost of the filing fee from the Tenants.

The Tenants seek to cancel a Notice to End Tenancy for Unpaid Rent; and an Order that the Landlord comply with the Act, regulation or tenancy agreement.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents were hand delivered to each of the Tenants, at the rental unit on June 11, 2014.

Based on the affirmed testimony of the Landlord's, I am satisfied that the Tenants were duly served with the Notice of Hearing documents. Despite being served with the Notice of Hearing documents, the Tenants did not sign into the teleconference, which remained open for 20 minutes, and therefore the Tenants' application was **dismissed without leave to reapply**.

The Landlord's agent asked for an Order of Possession.

### Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

### Background and Evidence

The Landlord's agent gave the following evidence:

Monthly rent is \$800.00, due the first day of each month. The Tenants paid a

security deposit in the amount of \$350.00 on May 1, 2006. Rent is due on the first day of each month.

The Tenants paid only \$450.00 for May's rent and did not pay any rent for the month of June, 2014.

On June 5, 2014, the Landlord served the Tenants with a 10 Day Notice to End Tenancy for Unpaid Rent, by leaving the Notice personally with the Tenant WZ at the rental unit. The Landlord provided a Proof of Service document, which is signed by a witness.

The Landlord seeks a monetary award for unpaid rent and loss of revenue, as follows:

Unpaid rent for May, 2014	\$350.00
Unpaid rent for June, 2014	\$800.00
Loss of revenue for July, 2014	\$800.00
Loss of revenue for August, 2014	<u>\$800.00</u>
TOTAL	\$2,750.00

The Landlord's agent asked to apply the security deposit against the Landlord's monetary award.

### **Analysis**

I accept that the Landlord served the Tenant with the Notice to End Tenancy on June 5, 2014. I accept the Landlord's agent's undisputed testimony that the Tenants did not pay the outstanding rent. I find that the tenancy ended June 15, 2014, and that the Landlord is entitled to an Order of Possession.

Based on the Landlord's agent's undisputed affirmed testimony, I find that the Landlord has established his monetary award for unpaid rent for May and June, 2014, and loss of revenue for the month of July, 2014.

I explained to the Landlord's agent that the Landlord's application for loss of revenue for the full month of August is premature because the Landlord may still be able to re-rent the rental unit for a portion of the month of August, 2014. This portion of the Landlord's claim is dismissed with leave to reapply.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit and accrued interest in the amount of \$11.80 towards partial satisfaction of the Landlord's monetary award.

The Landlord has been successful in his application and I find that he is entitled to recover the cost of the \$50.00 filing fee from the Tenants.

I hereby provide the Landlord with a Monetary Order, calculated as follows:

Unpaid rent	\$1,150.00
Loss of revenue for July, 2014	\$800.00
Recovery of filing fee	<u>\$50.00</u>
Subtotal	\$2,000.00
Less security deposit and accrued interest	<u>- \$361.80</u>
<b>TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF</b>	<b>\$1,638.20</b>

### **Conclusion**

The Tenant's application is dismissed without leave to reapply.

I hereby grant the Landlord an Order of Possession **effective 2 days after service of the Order upon the Tenants**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the Landlord a Monetary Order in the amount of **\$1,638.20** for service upon the Tenants. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: August 01, 2014

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Residential Tenancy Branch

