



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M. Block Holdings Ltd.
Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR; MNR; MNDC, MNSD; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to retain the security deposit in partial satisfaction of its monetary claim; and to recover the cost of the filing fee from the Respondents.

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

Preliminary Matters

At the outset of the Hearing, the Landlord's agent testified that the Respondents moved out of the rental unit on September 4, 2014, and that the Landlord has taken back possession of the rental unit. Therefore, the Landlord's agent withdrew the Landlord's application for an Order of Possession.

The tenancy agreement provided in evidence was not signed by the Respondent DC. Therefore, I found that there was insufficient evidence that the Respondent DC was a tenant under the tenancy agreement and the Landlord's application against him was dismissed without leave to reapply.

The Landlord's agent testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed to the Tenant MH, via registered mail, to the rental unit on July 25, 2014. The Landlord's agent provided the tracking numbers for the registered documents.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that the Tenant MH was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

Issues to be Decided

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

Background and Evidence

The Landlord's agent gave the following testimony:

This tenancy began on April 1, 2014. Monthly rent was \$1,100.00, due the first day of each month. The Tenant paid a security deposit in the amount of \$550.00 in March, 2014.

On May 22, 2014, the Landlord served the Tenant with a One Month Notice to End Tenancy for Cause. The Tenant did not dispute this Notice.

The Tenant did not pay rent when it was due on June 1, 2014. The Landlord served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, by posting the Notice on the Tenant's door on July 1, 2014. The Tenant did not dispute this Notice.

On July 15, 2014, the Landlord accepted \$2,200.00 (rent for June and July, 2014) but told the Tenant that it was for "use and occupancy only" and did not reinstate the tenancy.

The Landlord is seeking a monetary award for loss of revenue for the months of August and September, 2014.

Analysis

I accept that the Landlord's agents affirmed testimony. I find that the Tenant was overholding for the month of August and part of September, 2014, and that the Landlord is entitled to a monetary award for loss of revenue for the months of August and September, 2014.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of its monetary award

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

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

Loss of revenue	\$2,200.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$2,250.00
Less security deposit	<u>- \$550.00</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$1,700.00

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of **\$1,700.00** for service upon the Tenant MH. 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: October 17, 2014

Residential Tenancy Branch

