



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on a Notice to End Tenancy for Unpaid Rent dated July 7, 2014, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on July 24, 2014, neither of the two co-tenant did not appear.

At the outset of the hearing, the landlord stated that they are no longer seeking an Order of Possession as the tenant vacated the unit on July 30, 2014. The landlord still seeks a monetary order for the rent owed for June and July plus loss of revenue for August 2014.

The landlord also pointed out that they are no longer being represented by the property management firm shown in the style of cause on the application and the owner has now taken over as landlord. Therefore the applicant's name is now revised to show the owner as applicant.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for rental arrears and loss of revenue?

Background and Evidence

The landlord testified that the tenancy began in October 2013, at which time the tenant paid a security deposit of \$575.00 but failed to pay the pet damage deposit. The monthly rent was \$1,150.00. The landlord testified that when the tenant failed to pay \$590.00 of the \$1,150.00 rent due on June 1, 2014 and then failed to pay \$1,150.00 due on July 1, 2014, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served to the tenant in person on July, 7, 2014.

A copy of the 10-Day Notice to End Tenancy for Unpaid Rent is in evidence.

The landlord testified that the tenant vacated the unit on July 31, 2014 and the landlord incurred a loss of rent of \$1,150.00 rent for August 2014.

The landlord seeks monetary compensation for the rent owed and loss of rent plus the \$50.00 cost of the application.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent in person. The tenant has not paid the outstanding rent and did not apply to dispute the Notice.

I find that the landlord has established a total monetary claim of \$2,940.00, comprised of rental arrears totaling \$1,740.00, loss of revenue for August of \$1,150.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$575.00 in partial satisfaction of the claim leaving a balance due of \$2,365.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$2,365.00. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The landlord is successful in the application and is granted a monetary order for rental arrears. The request for the order of possession was found to be moot, as the tenant vacated prior to the hearing.

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: September 24, 2014

Residential Tenancy Branch

