



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Landlord's Application: OPR; MNR; MNSD; FF

Tenant's Application: CNR

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; to retain the security deposit in partial satisfaction of her monetary award; and to recover the cost of the filing fee from the Tenant.

The Tenant seeks to cancel a Notice to End Tenancy.

The Landlord gave affirmed testimony at the Hearing. The Tenant did not sign into the Hearing, which remained open for 15 minutes. Therefore, the Tenant's Application is dismissed without leave to reapply.

The Landlord testified that mailed the Notice of Hearing documents and copies of her documentary evidence to the Tenant on August 7, 2014, by registered mail. The Landlord provided the Canada Post tracking numbers for the registered mail.

Based on the Landlord's affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing 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 an Order of Possession?
- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

The Landlord gave the following testimony:

Monthly rent is \$1,250.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$625.00 at the beginning of the tenancy.

The Landlord testified that the Tenant's rent cheque for July, 2014, was returned "NSF". She served the Tenant with a Notice to End Tenancy for Unpaid Rent (the "Notice") on July 25, 2014, by handing the Notice to the Tenant.

The Landlord stated that the Tenant moved out of the rental unit at the end of September, 2014, without providing a forwarding address. She stated that the Tenant left the rental unit in a very dirty state, with a lot of damage.

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

Unpaid rent for July, 2014	\$1,250.00
Unpaid rent for August, 2014	\$1,250.00
Loss of revenue for September, 2014	\$1,250.00
Loss of revenue for October, 2014	<u>\$1,250.00</u>
TOTAL claim	\$5,000.00

Analysis

The Tenant has moved out of the rental unit and the Landlord has taken back possession; therefore, an Order of Possession is not required and this portion of her Application is dismissed.

Based on the undisputed, affirmed testimony of the Landlord, I find that the Tenant did not pay any rent for the month of July and August, 2014. I find that the tenancy ended ten days after service of the Notice on the Tenant, August 4, 2014. I find that the Landlord is entitled to a monetary award for unpaid rent for the months of July and August, 2014. The Tenant disputed the Notice and remained in the rental unit until September 23, 2014, and therefore I find that the Landlord is entitled to loss of revenue for September and October, 2014.

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

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

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

Unpaid rent (July and August, 2014)	\$2,500.00
Loss of revenue (September and October, 2014)	\$2,500.00

Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$5,050.00
Less security deposit	<u>- \$625.00</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$4,875.00

Conclusion

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

I hereby grant the Landlord a Monetary Order in the amount of **\$4,875.00** for service upon the Tenant. 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 02, 2014

Residential Tenancy Branch

