



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Tenant's application filed September 2, 2014: CNR; CNC; FF

Landlords' application filed September 3, 2014: OPR; OPC; MNR; MNDC; MNSD; FF

Introduction

This Hearing was convened to consider cross applications. The Landlords seek an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to retain the security deposit in partial satisfaction of their monetary award; and to recover the cost of the filing fee from the Tenant.

The Tenant seeks to cancel a Notice to End Tenancy for Unpaid Rent; to cancel a Notice to End Tenancy for Cause; and to recover the cost of the filing fee from the Landlords.

Both parties signed into the Hearing and gave affirmed testimony.

It was determined that the parties served each other with their Notice of Hearing documents.

Preliminary Matters

At the outset of the Hearing, the parties confirmed that the Tenant moved out of the rental unit at the end of September, 2014, and that the Landlord has taken back possession of the rental unit. Therefore, the Landlords do not require an Order of Possession and this portion of their claim is dismissed. Likewise, the Tenant has given up possession of the rental unit and therefore his application is dismissed.

Issues to be Decided

- Are the Landlords entitled to a monetary award for unpaid rent and loss of revenue?

Background and Evidence

The parties agree on the following facts:

1. The Tenant did not pay rent for the month of September, 2014.
2. Monthly rent was \$600.00, due on the first day of each month.
3. The Tenant paid a security deposit in the amount of \$300.00 at the beginning of the tenancy.

The Tenant gave an address for service of documents during the Hearing.

Analysis

Based on the testimony of both parties, I find that the Tenant did not pay rent for the month of September, 2014.

I also find that the Landlords are entitled to loss of revenue for the month of October, 2014, because the Tenant filed an Application for Dispute Resolution seeking the cancel the Notices to End Tenancy and therefore the Landlords could not advertise the rental unit for rent until it was too late to rent it for October, 2014.

Pursuant to the provisions of Section 72 of the Act, the Landlords may apply the security deposit in partial satisfaction of their monetary award.

The Landlords has been successful in their application and I find that they are entitled to recover the cost of the filing fee from the Tenant.

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

Unpaid rent for September, 2014	\$600.00
Loss of revenue for October, 2014	\$600.00
Recovery of filing fee	\$50.00
Less security deposit held by Landlords	<u>-\$300.00</u>
Total	\$950.00

Conclusion

The Tenant's application is dismissed in its entirety.

The Landlords' application for an Order of Possession is dismissed because the Tenant has moved out of the rental unit and therefore the Landlords no longer need an Order of Possession.

I hereby provide the Landlords with a Monetary Order in the amount of **\$950.00** for service upon the Tenant. The Landlords may serve the Tenant at the address the Tenant gave for service during the Hearing. 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 22, 2014

Residential Tenancy Branch

