



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, O, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail sent on September 4 and with the amended application for dispute resolution by registered mail sent on October 8, the tenant did not participate in the conference call hearing.

At the hearing, the landlord advised that the tenant vacated the unit on or about October 15 and that she was withdrawing her claim for an order of possession.

### Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord's undisputed evidence is as follows. The tenant is obligated to pay \$580.00 in rent each month. The tenant signed a mutual agreement to end the tenancy on September 1, 2014 but continued to reside in the unit without paying occupational rent until October 15. The tenant left the unit in an unclean condition and abandoned some of her furniture, so the landlord was unable to re-rent the unit for October.

The landlord seeks to recover \$580.00 in lost income for each of the months of September and October as well as the \$50.00 filing fee paid to bring her application. She further seeks an order permitting her to retain the \$290.00 security deposit and the \$50.00 pet deposit.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant continued to occupy the unit after she had agreed to move resulting in the landlord losing income for September and October. I find that the landlord is entitled to recover this lost income from the tenant and I award her \$1,180.00. As the landlord has been successful in her claim, I find that she should recover the filing fee and I award her \$50.00 for a total award of \$1,230.00. I order the landlord to retain the \$290.00 security deposit and the \$50.00 pet deposit in partial satisfaction of the claim and I grant her a monetary order under section 67 for the balance of \$890.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$890.00 and will retain the security and pet deposits.

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 23, 2014

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Residential Tenancy Branch

