



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, OPR, CNR, O

### Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord(s). Both files were to be heard together however; even though I waited until well past the time at which the hearing was scheduled, the tenant did not join the conference call. The tenant's application has therefore been dismissed and I proceeded with the landlord's application in the tenant's absence.

The landlord's application is for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order totaling \$5859.41

### Issue(s) to be Decided

At the beginning of the conference call the applicant stated he no longer requires an Order of Possession as the tenant has vacated and he has possession of the unit.

The remaining issue therefore is whether or not the landlord has established a monetary claim against the tenant and if so in what amount.

### Background and Evidence

This tenancy began on September 1, 2013 with a monthly rent of \$1600.00 and a requirement that the tenant pay the utilities at the rental unit.

The tenant failed to pay the August 2014 rent, and therefore on August 2, 2014, a 10 day Notice to End Tenancy was sent to the tenant by registered mail.

The tenant failed to comply with that notice, and failed to move out of the rental unit until September 2013.

The landlord stated that the rental unit was left in such disrepair that he has been unable to re-rent the unit, and therefore is requesting outstanding rent for the months of August, 2014, September 2014, and lost rental revenue for the month of October 2014.

The landlord has stated that the tenant has also failed to pay any of utilities and at this time there's a total of \$1059.41 outstanding.

### Analysis

I accept the landlord's testimony that the tenant has failed to pay both the August 2014 rent, in September 2014 rent, and the landlord has provided sufficient evidence to show that the tenant left the rental unit in need of significant cleaning and repairs, and as a result landlord has also lost the rental revenue for the month of October 2014.

I therefore allow the landlords claim for lost rental revenue and outstanding rent totaling \$4800.00.

The tenancy agreement also required that the tenant pay the utilities at the rental unit however, the tenant has failed to do so and therefore the landlord has an outstanding utility bill for the City of Kelowna totaling \$1059.41, and I therefore also allow that portion of the landlords claim.

Conclusion

I have allowed the landlord's full claim and have issued a Monetary Order in the amount of \$5859.41.

I have not issued an order for recovery of the filing fee, as the applicant did not apply for recovery of the filing fee on his application.

As stated above the tenants application is dismissed in full without leave to reapply.

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 09, 2014

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Residential Tenancy Branch

