



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capital Region Housing Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, OPR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail sent on October 3, 2014, the tenant did not participate in the conference call hearing.

At the hearing, the landlord advised that the tenant vacated the rental unit on November 14, 2014. As the landlord has regained possession of the unit, I consider the claim for an order of possession to have been withdrawn.

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 tenancy began on March 1, 2014 at which time the tenant paid a \$187.00 security deposit. The tenant was obligated to pay \$375.00 in rent each month and failed to pay rent in September, prompting the landlord to serve her with a 10 day notice to end tenancy for unpaid rent. The tenant did not vacate the unit in accordance with the notice and failed to pay any rent in the months of October and November. The landlord seeks to recover loss of income for September – November inclusive as well as recover the \$50.00 filing fee paid to bring this application.

Analysis

I accept the landlord's undisputed evidence and I find that the tenant failed to pay rent in September and failed to vacate the unit pursuant to the notice to end tenancy, causing

the landlord to lose rental income for the months of October and November. I find that the tenant should be liable for both the rental arrears and the lost income and I award the landlord \$1,125.00 which represents 3 months of rental income. I further find that as the landlord has been successful in this application they should recover the filing fee and I award them \$50.00 for a total award of \$1,175.00. I order the landlord to retain the \$187.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance of \$988.00. 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 \$988.00 and will retain the security deposit.

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: November 20, 2014

Residential Tenancy Branch

