



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR RP O OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant applied to cancel a notice to end tenancy as well as for an order for repairs.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. This matter was set for hearing by telephone conference call at 11:00 a.m. on November 27, 2014. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 11:10 a.m., and the landlord appeared and was ready to proceed, I dismiss the tenant's claim without leave to reapply.

The landlord stated that they personally served the tenant with their application for dispute resolution and notice of hearing on October 17, 2014. I accepted the landlord's evidence regarding service and I proceeded with the landlord's application in the absence of the tenant.

In the hearing the landlord stated that the tenant had abandoned the rental unit and he no longer required an order of possession. I therefore dismissed the portion of the landlord's application regarding an order of possession.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

### Background and Evidence

The tenancy began on July 1, 2103. Rent in the amount of \$1300 was payable in advance on the first day of each month. The landlord stated that the tenant never paid a pet or security deposit. The tenant failed to pay rent for October 2014, and on October 7, 2014 the landlord served the tenant with a notice to end tenancy for unpaid rent. The tenant further failed to pay rent for November 2014. The landlord stated that the tenant abandoned the rental unit shortly before the hearing on November 27, 2014. The

landlord has claimed unpaid rent and lost revenue for October, November and December 2014.

In support of their claim, the landlord submitted evidence including the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord, indicating a monthly rent of \$1300 due on the first of each month;
- a copy of the Notice to End Tenancy for Unpaid Rent dated October 7, 2014; and
- a copy of the Landlord's Application for Dispute Resolution, filed October 22, 2014.

### Analysis

I find that the landlord has established their claim for unpaid rent and lost revenue for October and November 2014, in the amount of \$2600. The evidence noted above establishes that the monthly rent was \$1300 and the tenant did not pay rent for October or November 2014.

As December 2014 had not yet commenced, the landlord's claim for lost revenue for that month was premature, and I dismissed that portion of the landlord's claim with leave to reapply.

As the landlord's application was mostly successful, they are also entitled to recovery of the \$50 filing fee for the cost of this application.

### Conclusion

The tenant's application is dismissed.

I grant the landlord an order under section 67 for the balance due of \$2650. This order may be filed in the Small Claims Court 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: December 5, 2014

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Residential Tenancy Branch

