Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

FINAL DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution made via the Direct Request Proceeding process on February 11, 2015. The landlord requested compensation for unpaid rent and an Order of possession. An interim decision was issued on February 18, 2015; which determined the application must be set to this participatory hearing.

The landlord provided affirmed testimony that on February 23, 2015 copies of the Application for Dispute Resolution and Notice of Hearing provided with the interim decision was given to the tenant on February 23, 20145. The landlord and his friend, J.P. personally served the tenant, at the rental unit address, at approximately 3 p.m.

These documents are deemed to have been served in accordance with section 89 and 90 of the Act; however the tenant did not appear at the hearing.

Preliminary Matters

The landlord confirmed that the tenant vacated the unit several days ago and that he now has possession of the rental unit.

The landlord has not claimed the cost of utilities that was included on the Direct Request Proceeding application.

As rent is the most basic term of a tenancy the application was amended to include a claim for all unpaid rent and loss of rent.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent and rent revenue?

Background and Evidence

The tenancy commenced on January 6, 2015, a signed tenancy agreement was supplied as evidence. Rent was due on the 1st day of each month. The tenant was to pay a $625.00 security deposit but he failed to do so.

The tenant vacated the unit several days ago. A 10 day Notice to end tenancy for unpaid rent was given to the tenant in February; that Notice had an effective date of February 13, 2015.

The landlord has received $1,000.00 from the tenant, since the tenancy began. This sum was applied to rent owed. The landlord stated that the tenant owed a pro-rated sum in January 2015 of $1,044.50.

The tenant did not pay February or March 2015 rent, in the sum of $2,500.00. A new occupant has not been identified and it will be at least until April 1, 2015 before the unit can be rented.

The total amount of unpaid rent from January to March 2015 is $2,544.50.

Analysis

In the absence of evidence to the contrary, and in the absence of the tenant who was served with Notice of this hearing, I find that the tenant has not paid rent in the amount of $2,544.50 from January to March 2015, inclusive.

A tenant must pay rent to the effective date of a Notice ending tenancy. A pro-rated sum of rent is owed for each day that a tenant over-holds beyond the effective date of a Notice ending tenancy. Therefore, I find that the landlord is entitled to compensation in the sum of $2,544.50 for unpaid rent which includes a per diem rent from February 13, 2015 to March 17, 2015 and loss of rent revenue to March 31, 2015, inclusive.

The landlord's application has merit. As the landlord has paid a filing fee, pursuant to section 72 of the Act, I find that the landlord is entitled to recover the $50.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of $2,594.50. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to a monetary Order for unpaid rent, per diem rent and loss of rent revenue.

The landlord is entitled to filing fee costs.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: March 19, 2015

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Residential Tenancy Branch