



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes

OPR OPC MNR FF

### Introduction

This hearing convened pursuant to the landlord's application for an order of possession and a monetary order for unpaid rent. The landlord participated in the teleconference hearing, but the tenants did not call into the hearing.

The landlord submitted evidence that they served the tenants with the application for dispute resolution and notice of hearing by registered mail sent on April 2, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on April 7, 2015, and I proceeded with the hearing in the absence of the tenants.

The landlord stated they had received and served the tenants with an order of possession on April 23, 2015. I therefore did not consider the portions of the landlord's application regarding an order of possession, and only proceeded with their monetary claim.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

### Background and Evidence

The tenancy began on February 1, 2014, with monthly rent of \$1200 due in advance on the first day of each month. In the hearing the landlord stated that in October 2014 they served the tenants with a notice indicating that the rent would increase to \$1225 commencing February 1, 2015. The tenants failed to pay rent for February, March or April 2015. The landlord has claimed unpaid rent and lost revenue for these three months.

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

- a copy of a residential tenancy agreement, signed by the tenants and the landlord, indicating that the tenancy began on January 1, 2014, with monthly rent of \$1200 due in advance on the first of each month;

- testimony that the landlord served the tenants with a notice of rent increase that indicated the rent would increase to \$1225 commencing February 1, 2015;
- testimony that the tenants were still in the rental unit as of the end of April, 2015; and
- a copy of the Landlord's Application for Dispute Resolution, filed March 30, 2015, in which the landlord claimed \$2400 for two months of unpaid rent.

### Analysis

I accept the landlord's evidence that the tenants did not pay rent for February or March 2015, and that the tenants continued to occupy the unit in April 2015. I find that the landlord is therefore entitled to unpaid rent and lost revenue for those three months. However, I find that the amount of rent the tenants owe is \$1200 per month, not \$1225 per month. On March 20, 2015, when the landlord made their application, they were claiming unpaid rent of \$1200, not \$1225. The landlord did not amend their application to increase their claim, and the tenants therefore were not notified of the increased amount of the landlord's claim.

The landlord is entitled to \$3600 in unpaid rent and lost revenue.

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

### Conclusion

I grant the landlord an order under section 67 for the balance due of \$3650. 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: May 25, 2015

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Residential Tenancy Branch

