



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: CNR, MNR, OPR, MNSD, FF

Introduction:

This was an application by a tenant to cancel a Notice to End the Tenancy dated June 1, 2015, as well as a cross application by the landlord for an Order for Possession and monetary Order for non-payment of rent.

Issues:

Is the tenants entitled to any relief?
Is the landlord entitled to an Order fro Possession or monetary order?

Background and Evidence:

A hearing was conducted in the presence of only the landlord as the tenant did not attend.

The landlord testified that the tenant had vacated the unit and that an Order for Possession was no longer required. The landlord testified that the tenant commenced vacating the unit on June 15, 2015 and completed moving out some time between July 1, and July 20, 2015 when all of his personal property was removed. The landlord testified that she sent her application for dispute resolution by registered mail on June 24, 2015 to the address in which the tenant was still residing. Based upon the landlord's evidence that she believed the tenant was still residing there at that time, I find that the tenant is presumed to have received the documents by June 29, 2015 and that the tenant was sufficiently served in accordance with the act.

The landlord testified that the tenancy began on May 1, 2015 with rent in the amount of \$ 480.00 due in advance on the first day of each month. The tenant paid a security

deposit of \$ 240.00 on April 28, 2015 however the landlord returned \$ 100.00.00 from it to the tenant on May 16, 2015.

The landlord testified that the arrears for June were \$ 480.00 and the landlord also claimed for loss of revenue for July amounting to \$ 480.00 for a total claim of \$ 960.00.

Analysis:

The tenant has not paid all the outstanding rent on time and has applied for arbitration to dispute the Notice but did not attend the application and moved out of the unit.

Based on the above facts and evidence of the landlord, I find that the landlord has established a claim for unpaid rent and loss of revenue totalling \$ 960.00 and the filing fee of \$ 50.00 for a total of \$ 1,010.00. I have dismissed the tenant's application.

Conclusion:

I order that the landlord retain the deposit and interest of \$ 140.00 and I grant the landlord an order under section 67 for the balance due of **\$ 870.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. I have dismissed all of the tenant's applications and the balance of the landlord's applications.

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: July 28, 2015

Residential Tenancy Branch

