



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent and lost revenue.

At the outset of the hearing the landlord stated that the tenant had vacated the rental unit. I therefore dismissed the portion of the application regarding an order of possession.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord submitted evidence that he served the tenants with the application for dispute resolution and notice of hearing by registered mail sent on September 4, 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 September 9, 2015, and I proceeded with the hearing in the absence of the tenants.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

### Background and Evidence

The tenancy began on July 1, 2015. Rent in the amount of \$950.00 was payable in advance on the first day of each month. The tenants failed to pay \$775.00 of the rent in the month of July 2015, and paid no rent for August 2015, and on August 18, 2015 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of September 2015. On September 26, 2016 the landlord attended the rental unit and discovered that the tenants had vacated.

The landlord has claimed \$3,625.00 in unpaid rent and lost revenue for July through October 2015, as well as late fees of \$25.00 per month for four months.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord on July 1, 2015, indicating a monthly rent of \$950.00 due on the first of each month and a fee of \$25.00 for late rent;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on August 18, 2015, for failure to pay rent in the amount of \$1,775.00 that was due on August 1, 2015;
- a copy of the Proof of Service of the Notice to End Tenancy, which indicates that the landlord served the notice by posting it to the rental unit door on August 18, 2015; and
- a copy of the Landlord's Application for Dispute Resolution, filed September 4, 2015.

### Analysis

I have reviewed all evidence and I find that the landlord is entitled to the monetary claim, excluding the late fees for September and October 2015. Late fees may only be applied to rent, not lost revenue, and the tenancy ended on the corrected effective date of August 31, 2015. I accept the landlord's evidence that the tenants only paid \$175.00 in rent. I find it reasonable that the landlord would be unable to re-rent the unit for October 2015, as he did not know the tenants had vacated until September 26, 2015.

As his application was successful, the landlord is also entitled to recovery of the \$50.00 filing fee for the cost of this application.

### Conclusion

I grant the landlord an order under section 67 for the balance due of \$3,725.00. 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: October 30, 2015

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Residential Tenancy Branch

