



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, MNR, FF

### Introduction

The landlord applies for an order of possession pursuant to a two month Notice to End Tenancy resulting from a sale of the property to a purchaser who desired possession. The landlord says the tenants have left the property and so an order of possession is no longer required.

The landlord also seeks a monetary award for rent from November and December 2015 and January 2016.

Neither tenant attended the hearing within ten minutes after its scheduled start time. Neither filed evidentiary material.

The landlord testifies that he personally served both tenants with the application for dispute resolution and notice of hearing on December 2, 2015. On this evidence I find that the tenants were duly served.

The landlord acknowledges that with the two month Notice, stated to end the tenancy December 1, 2015, the tenants were entitled to offset the November rent (in accordance with s. 49 of the *Residential Tenancy Act*). He says the tenants vacated on or about December 21, 2015. The purchaser took possession then. He therefore seeks loss of December rent.

On this uncontradicted evidence I find that the landlord is entitled to recover December rental loss of \$1000.00 plus recovery of the \$50.00 filing fee for this application.

There will be a monetary order against the tenants in the amount of \$1050.00.

The landlord holds a \$500.00 security deposit. He says he has not yet received a forwarding address in writing from the tenants. His application does not request

authorization to retain the deposit and so I make no order regarding it or offset it against the award.

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: January 22, 2016

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Residential Tenancy Branch

