



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNDC FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for lost revenue. The landlord and the tenant participated in the teleconference hearing.

The landlord stated that she submitted all of her evidence for both this file and another file. However, I did not have the landlord's evidence on this file, and it appeared that the tenant was not served with the landlord's evidence. It is the responsibility of a participant to file separate packages of evidence for separate files; moreover, it is the responsibility of a party to serve the other party with a copy of their evidence. I therefore only heard testimony from the parties regarding this application.

Both parties were given full opportunity to give affirmed testimony. I have reviewed all testimony. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenant did not pay rent for July 2015, and pursuant to a Direct Request decision dated September 16, 2015 the landlord received a monetary order for unpaid rent for July 2015 as well as an order of possession.

The landlord stated that the tenant moved out some time around October 1, 2015 to October 3, 2015. The landlord stated that the tenant did not return the keys and had

caused damage to the unit. The landlord claimed total lost revenue of \$4,500.00 for August and September 2015.

The tenant stated that on September 11, 2015 the landlord changed all of the locks with all of the tenant's possessions still inside.

Analysis

The landlord did not dispute that the locks were changed on September 11, 2015. The landlord was not issued an order of possession until September 16, 2015. I therefore find that the landlord illegally ended the tenant's occupation of the unit on September 11, 2015 and is not entitled to lost revenue beyond September 10, 2015.

I grant the landlord \$2,250.00 in lost revenue for August 2015 and \$742.50 in prorated lost revenue for September 1 to 10, 2015.

As the landlord's application was partially successful, I grant her recovery of the filing fee of \$50.00.

Conclusion

I grant the landlord an order under section 67 for the balance due of \$3,042.50. 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: April 8, 2016

Residential Tenancy Branch