



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MND, MNR, MNSD, MNDC, FF, O

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy dated February 4, 2016 and for a monetary award for unpaid rent, occupation rent and loss of rental income. She also seeks to recover late fees due under the tenancy agreement, a key cost, the cost of a door matt, extra occupant fees and extra costs of internet service.

The tenant did not attend the hearing within thirty minutes after its scheduled start time.

The landlord testifies that she personally served the tenant with the application for dispute resolution and notice of hearing on March 4, 2016 and refers to the signed statement of Ms. G.I. who witnessed the service process.

I find that the tenant has been duly served. The hearing proceeded in his absence.

Issue(s) to be Decided

Has this tenancy been ended by the Notice? What, if any, of the items claimed by the landlord are justified and owing?

Background and Evidence

The rental unit is a one bedroom suite in the lower portion of the landlord's home.

The tenancy started in July 2015 for a one year term. The monthly rent is \$850.00 due on the first of each month. The landlord holds a \$425.00 security deposit and a \$425.00 pet damage deposit.

The landlord testifies that she served the tenant with the ten day Notice to End Tenancy in person on February 4, 2016 and that he has not paid the amount demanded in it.

She claims that his October 2015 rent was late and that the tenant thereby incurred a \$40.00 late fee under the written tenancy agreement. The tenant's December 2015 rent was short \$425.00. His January 2016 rent was short \$550.00 and his February rent by \$400.00.

She has received nothing for March 2016 rent or occupation rent.

The landlord reviewed and testified to the matt, internet, extra tenant cost and key issues claimed in her Monetary Order Worksheet.

Analysis

I find that this tenancy ended by operation of s. 46 of the *Residential Tenancy Act* as a result of the ten day Notice. It ended on February 15, 2016 and the landlord is entitled to an order of possession.

I award the landlord \$2225.00 for unpaid rent from October to February, including occupation rent of \$850.00 for March 2016.

I award the landlord \$160.00 for late rent fees pursuant to the tenancy agreement.

I find that the landlord will be unable to rent the premises to a new tenant for April 2016 and I award her \$850.00 for loss of rental income from that month.

I award the landlord \$150.00 for the three months she says the tenant's girlfriend has been living with him, as per the tenancy agreement.

I award the landlord \$20.15 for replacement of a door matt ruined by the tenant's dog.

I award the landlord \$32.69 for the excessive Netflix costs incurred by the tenant or his guest.

I award the landlord \$15.64 for replacement of house keys.

In total the landlord is entitled to a monetary award of \$3453.48 plus recovery of the \$100.00 filing fee for this application.

I authorize her to retain the \$850.00 of deposit money she holds, in reduction of the amount awarded.

There will be a monetary order against the tenant for the remainder of \$2703.48

Conclusion

The landlord's application is allowed as presented.

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 06, 2016

Residential Tenancy Branch

