Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>   OPR, MNR, MNDC, FF

<u>Introduction</u>

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent and for a monetary award for unpaid rent and loss of rental income.

The tenant did not attend the hearing within ten minutes after its scheduled start time. The landlord says the tenant is still occupying the premises as of this day.

The landlord testifies that she personally served the tenant in the presence of her father Mr. K.S. Gill, on May 14, 2016 with the application for dispute resolution and notice of hearing.

On this evidence I find that the tenant has been duly served.

On the undisputed evidence of Ms. G. I find that the tenant was served with a ten day Notice to End Tenancy on May 14, 2016, demanding payment of the May rent of $1300.00 and that the tenant has neither paid the amount demanded in the Notice nor made an application to cancel the Notice.

As a result, by operation of s. 46 of the *Residential Tenancy Act*, this tenancy ended on May 25, 2016 and the landlord is entitled to an order of possession.

I find that the landlord is owed the May rent of $1300.00 plus occupation rent of $1300.00 for June. I find that it is unlikely that the landlord will be able to re-rent the premises for July and so I award the landlord $1300.00 for loss of rental income from that month.

The landlord is entitled to a monetary award totalling $3900.00 plus recovery of the $100.00 filing fee for this application.

With the landlord's agreement, I authorize her to retain the $750.00 security deposit in reduction of the amount awarded. The landlord will have a monetary order against the tenant for the remainder of $3250.00.

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: June 29, 2016

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Residential Tenancy Branch