



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MND, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order. The hearing was conducted via teleconference and was attended two agents for the landlord.

The landlord's agent testified each tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on January 9, 2017 in accordance with Section 89.

Based on the testimony of the landlord's agent, I find that each tenant has been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing the landlord's agent confirmed the tenants vacated the rental unit on or about January 17, 2017 without any notification to the landlord. She agreed that as a result they no longer required an order of possession. I amend the landlord's Application to exclude the matter of possession.

The landlord also withdrew their claim for compensation for damage to and cleaning of the rental unit and residential property. I note the landlord remains at liberty to file such a claim under a new and future Application for Dispute Resolution, within any limitations of the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent and lost revenue and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Act*.

Background and Evidence

The landlord's agent testified the tenancy began on March 1, 2016 on a month to month basis for the monthly rent of \$1,400.00 due on the 1st of each month with no security deposit paid.

The landlord's agent submitted the tenant had failed to pay rent for the months of December 2016 and January 2017. In addition the agent submitted that as a result of the condition of the rental unit when the tenants vacated and the tenants' failure to move out on the effective date of either of the 10 Day Notices, which was either on December 12, 2016 or by January 13, 2017, they have been unable to ready the rental unit for rental for the month of February.

The landlord has submitted photographic evidence of the condition of the rental unit.

The landlord seeks unpaid rent, in the amount of \$2,800.00 for December 2016 and January 2017 and for lost revenue for the month of February 2017, in the amount of \$1,400.00.

Analysis

Based on the undisputed testimony and photographic evidence of the landlord I am satisfied the tenants have failed to pay rent for the months of December 2016 and January 2017 as claimed. Further, I find the landlord is not able to re-rent the unit effective for the month of February 2017. As such, I find the landlord is entitled to compensation for lost revenue for the month of February.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$4,300.00** comprised of \$2,800.00 rent owed; \$1,400.00 lost revenue and the \$100.00 fee paid by the landlord for this application.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: January 30, 2017

Residential Tenancy Branch