



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNR, MNDC, FF

Introduction

This hearing dealt with an application from the landlord for a monetary order as compensation for unpaid rent / loss of rental income, fees for late payment of rent and recovery of the filing fee for this application. The landlord participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

As the tenant vacated the unit subsequent to the landlord's application, the landlord withdrew his earlier application for an order of possession.

Issue to be Decided

- Whether the landlord is entitled to a monetary order under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on January 27, 2009. The landlord rounded off the pro-rated amount of rent due for the period from January 27 – 31, 2009 to \$143.50. Thereafter, rent in the amount of \$890.00 was payable in advance on the first day of each month. No security deposit or pet damage deposit was collected.

The tenant's successful payment toward rent was limited to cash on February 13, 2009 in the amount of \$741.75. This was comprised of \$143.50 for five days in January 2009 and \$598.25 towards rent due for February 2009. Accordingly, the landlord issued a 10 day notice to end tenancy for unpaid rent. The landlord submitted into evidence a copy of the 10 day notice dated March 2, 2009 which was served in-person on the tenant on

that same date. Subsequently, the tenant vacated the unit on or around March 14, 2009.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord I find that the landlord has established a claim of \$1,281.75. This is comprised as follows:

- \$291.75 balance of rent due for February 2009
- \$890.00 rent / loss of rental income for March 2009
- \$50.00 late payment of rent fees (2 x \$25.00)

I find that the landlord is also entitled to recovery of the \$50.00 filing fee for this application.

I therefore grant the landlord a monetary order under section 67 of the Act for \$1,281.75.

Conclusion

I hereby grant the landlord a monetary order under section 67 of the Act for **\$1,281.75**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: May 5, 2009

Dispute Resolution Officer