

## **DECISION**

**Dispute Codes:** OPR, OPB, MNR, FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing in person on May 12, 2009, the tenant did not participate in the conference call hearing.

During the hearing, the landlord withdrew her application for an order of possession and her claim for outstanding rent from a tenancy that ended in 2000.

The tenancy began on November 1, 2008 for a fixed term ending April 30, 2009. Rent in the amount of \$175.00 was payable in advance on the first day of each month. The tenant failed to pay rent in the month of April and on April 14, the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of May. On May 16, 2009, the tenant moved out of the rental unit.

The landlord is seeking to recover from the tenant outstanding rent for the month of April in the amount of \$175.00. The tenant lived in the rental unit until May 16, 2009. The landlord is therefore seeking to include a claim for loss of income for the month of May in the amount of \$175.00. I find that the tenant should reasonably have known that the landlord could not re-rent the unit while she was still in residence and I allow the claim for a further \$175.00.

As for the monetary order, I find that the landlord has established a claim for \$175.00 in unpaid rent and \$175.00 in loss of income. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$400.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated June 17, 2009.