



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent, loss of income and the filing fee.

The notice of hearing was served on the tenant on September 23, 2010 by registered mail. The landlord filed the tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

The tenant moved out on September 30, 2010. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent, loss of income and the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, loss of income and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on June 01, 2007. The monthly rent was \$1,750.00 due in advance on the first of each month.

The tenant failed to pay rent for August and September 2010. On September 07, 2010 the landlord served the tenant with a ten day notice to end tenancy. The tenant did not pay the outstanding rent and continued to occupy the rental unit until he moved out on September 30, 2010.

The landlord stated that the unit was left in a dirty and damaged condition which involved extensive cleaning and the replacement of flooring. The tenant agreed to allow the landlord to keep the security deposit. The landlord started the restorative work in the first week of October and therefore was unable to find a tenant for October.

The landlord is claiming rent for August and September (\$3,500.00), loss of income for October (\$1,750.00) and the filing fee (\$50.00).

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. In the absence of evidence to the contrary, I find that the tenant owes rent for August and September. I also find that the landlord is entitled to recover the loss of income he endured for the month of October. Accordingly, I find that the landlord has established a claim for \$5,250.00. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$100.00.

Overall the landlord has established a total claim of \$5,350.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$5,350.00**.

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: October 27, 2010.

Dispute Resolution Officer