



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 and the filing fee.

The notice of hearing was served on the tenant on November 15, 2010 by registered mail, to the address provided by the tenant. The landlord filed the tracking number. 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 October 25, 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 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 September 23, 2010. The monthly rent was \$700.00 due in advance on the first of each month. The tenant paid prorated rent for September along with the security deposit by cheque which was returned to the landlord for insufficient funds. The tenant subsequently paid prorated rent for September but did not pay the security deposit. The tenant also failed to pay rent for October.

On October 27, 2010 the landlord received a note from the tenant stating that she had moved out. The tenant enclosed the keys and her forwarding address in the envelope. The landlord advertised the unit but was unable to find a tenant for November and therefore incurred a loss of income. A new tenant was found for December.

The landlord is claiming NSF charges (\$25.00), rent for October (\$700.00), loss of income for November (\$700.00) 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 NSF charges for September and rent for October.

The rental unit was vacant for November and therefore I find that the landlord is entitled to recover the loss of income he incurred for November. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee.

Overall the landlord has established a total claim of \$1,475.00. 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 **\$1,475.00**.

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: December 09, 2010.

Dispute Resolution Officer