



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

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 in person, on December 13, 2010. 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 January 02, 2011. Since the tenant has moved out, the landlord withdrew her 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 and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on January 01, 2010. The monthly rent was \$695.00 due in advance on the first of each month.

The tenant failed to pay rent for November and December 2010. On December 02, 2010 the landlord served the tenant with a ten day notice to end tenancy. The tenant moved out on January 02, 2011 without paying rent. The tenant left the unit in a condition that requires painting, cleaning and carpet replacement. At the time of the hearing the landlord was in the process of carrying out the repairs, cleaning in preparation of re-renting the unit.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

The landlord is claiming rent for the months of November and December 2010 and loss of income for the month of January 2011. The landlord is also claiming the filing fee of \$50.00.

Analysis

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant owes rent for November and December in the amount of \$1,390.00. The landlord is in the process of preparing the unit for occupation by a tenant and is therefore entitled to loss of income for January in the amount of \$695.00. The landlord has proven her case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

Overall the landlord has established a total claim of \$2,135.00. 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 **\$2,135.00**

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: January 06, 2011.

Residential Tenancy Branch