



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, MNDC, FF

Introduction

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 both by those documents having been sent by the landlord via registered mail and having been placed at the door of the rental unit, the tenant did not participate in the conference call hearing.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy agreement is set for a fixed term ending on October 20, 2011. The agreement provides that the end of the fixed term, the tenancy would end and the tenant would be required to vacate the rental unit. The provision was initialled by the tenant. The landlord seeks an order of possession based on the end of the fixed term.

The tenancy agreement shows that the tenant was obligated to pay \$2,000.00 in rent in advance on the 20th day of each month. The landlord seeks to recover \$2,000.00 in lost income for the period from October 20 – November 19 as she was unable to re-rent the unit while the tenant continued to reside therein.

The landlord further seeks to recover the \$50.00 filing fee paid to bring her application.

Analysis

I accept the undisputed evidence of the landlord and I find that the tenancy ended on October 20, 2011. I grant the landlord an order of possession which may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord was unable to re-rent the unit for the period from October 20 – November 19 because the tenant overhired and I award the landlord \$2,000.00 in lost income. I further award \$50.00 which represents the landlord's filing fee.

Conclusion

The landlord is granted an order of possession and a monetary order for \$2,050.00.

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: November 17, 2011

Residential Tenancy Branch