



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Waryam Management Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

**OPR, MNR, MT, CNR, LAT, FF**

### **Introduction**

This was a cross-application review hearing.

On September 11, 2014 the landlord applied for dispute resolution via the Direct Request Proceeding process. As a result the landlord was issued an Order of possession and monetary Order for unpaid rent.

On September 10, 2014 the tenant applied to cancel the 10 day Notice to end tenancy for unpaid rent, for more time to apply to cancel the Notice and an Order the landlord allow the tenant and his guests access to the rental unit.

On September 18, 2014 the tenant applied for review consideration of the September 15, 2014 decision and Orders. This application resulted in a review consideration decision issued on September 25, 2014; the decision and Orders were suspended until such time as this review hearing decision was issued. The tenant was to serve the landlord with Notice of the review hearing.

The November 03, 2014 a review hearing conference call was held; the landlord attended the hearing at the 9:00 a.m. scheduled start time. As the tenant failed to attend the hearing in support of his application I determined, at 9:10 a.m. his application was dismissed.

Therefore, pursuant to section 81 of the Act, I find that the decision and Order of possession issued on September 15, 2014 are confirmed.

The landlord provided affirmed testimony that the tenant vacated the rental unit in mid-October, 2014. The landlord said the tenant applied to dispute the 10 day Notice ending tenancy in an attempt to stall eviction.

The landlord requested compensation for the loss of October rent in the sum of \$700.00. The Notice ending tenancy for unpaid rent was previously found to be effective on September 15, 2014.

As rent is the most basic term of a tenancy agreement, I find, pursuant to section 62(3) and 65 of the Act that the landlord's application is amended to include a claim for loss of October 2014 rent revenue.

Therefore, as the tenant occupied the rental unit without paying rent, I find that the landlord is entitled to compensation for the loss of October 2014 rent revenue in the sum of \$700.00. I find that monetary Order issued on September 15, 2014 is varied, by way of an additional Order, reflecting the loss of October 2014, rent.

Based on these determinations I grant the landlord a monetary Order in the sum of \$700.00 for loss of October 2014 rent. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court

### Conclusion

The decision and Order of possession issued on September 15, 2014 are confirmed.

The monetary Order issued on September 15, 2014 is varied, by way of an additional Order, reflecting the loss of October 2014, rent. The landlord may enforce both monetary Orders.

The tenant's application is dismissed.

This review hearing decision should be read in conjunction with the decision issued on September 15, 2014 and the review application decision issued on September 25, 2014.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 03, 2014

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Residential Tenancy Branch

