



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was convened to address a claim by the landlord for an order of possession and a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on October 29, 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 began on July 10, 2014. Rent was set at \$600.00 per month payable in advance on the first day of each month and the tenant paid a \$300.00 security deposit. The tenant's rent for the month of July was pro-rated to \$380.00 but he did not pay that amount to the landlord. The tenant made rental payments of \$600.00 each in the months of August and September but paid no rent thereafter.

On October 20, the landlord served on the tenant a 10 day notice to end tenancy for unpaid rent (the "Notice") by posting the Notice to the door of the rental unit. The landlord seeks an order of possession and a monetary order for rental arrears outstanding for July as well as rent and lost income for October, November and December. The landlord also seeks to recover the \$50.00 filing fee paid to bring this application.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant failed to pay \$380.00 in rent owing for the month of July and \$600.00 in rent owing for the month of October. I find that the tenant failed to vacate the rental unit pursuant to the Notice and that the landlord continued to suffer a loss of income in November and at least part of December.

The tenant did not dispute the Notice and did not pay the rental arrears within 5 days of having received the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I find that the landlord is entitled to an order of possession and I grant him an order effective 2 days after service. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the tenant is obligated to pay the landlord the \$380.00 owing for July and the \$600.00 owing for October. I further find that the tenant caused the landlord to lose \$600.00 in income for the month of November and for part of December. I find that the landlord should recover the \$50.00 filing fee as he has been successful in his application. I grant the landlord an award of \$1,930.00 which represents the following:

July rental arrears	\$ 380.00
October rent	\$ 600.00
November lost income	\$ 600.00
December lost income	\$ 300.00
Filing fee	\$ 50.00
Total:	\$1,930.00

I have only awarded the landlord lost income for the first half of December as I find that the landlord may be able to re-rent the unit for December 15 and thereby not lose the full month's income. I dismiss the claim for lost income for the last half of December with leave to reapply in the event the landlord is unable to re-rent the unit.

The landlord has been awarded \$1,930.00. At the hearing, the landlord asked that I apply the security deposit to the award. I find it appropriate to do so and order the landlord to retain the \$300.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance of \$1,630.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$1,630.00 and will retain the security deposit.

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 04, 2014

Residential Tenancy Branch

