



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNR MNDC FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and money owed or compensation under the Act, regulation or tenancy agreement. Despite having been served with the application for dispute resolution and notice of hearing in person on February 13, 2009, the tenant did not participate in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on November 1, 2008 as a one year fixed term tenancy, with monthly rent \$850. On October 24, 2008, the landlord collected a security deposit from the tenant in the amount of \$425. The tenant failed to pay rent in the months of December 2008 and January 2009 and on January 2, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant vacated the rental unit on January 14, 2009.

The landlord cleaned the rental unit and began advertising to re-rent, but they were not successful in finding a new tenant and decided to not advertise for March 2009. The landlord has claimed monetary amounts against the tenant as follows: \$3400 for unpaid rent and lost revenue for December 2008 through March 2009; \$5950 for potential lost revenue for April through October 2009; \$160 for 16 hours of cleaning at \$10 per hour; \$24.26 for garbage disposal; and \$694.16 for the costs of serving the notice to end tenancy and the hearing package, including gas and ferry costs, food and accommodation, mailing costs and the \$25 fee for the substitute service application. The landlord also applied for recovery of the \$100 filing fee for the cost of their

application.

Analysis

I find that the landlord is entitled to \$2550 in unpaid rent and lost revenue, for December 2008 through February 2009, as well as \$160 for cleaning and \$24.26 for garbage disposal, for a total of \$2734.26.

The landlord may only claim for lost revenue if they take all reasonable steps to mitigate their loss by attempting to re-rent. In this case, the landlord did not attempt to re-rent for March and is therefore not entitled to lost revenue for that month. In regard to the landlord's application for potential lost revenue for April through October 2009, under normal circumstances I would find that this portion of the application is premature and would dismiss it with leave to reapply. However, in this case the landlord breached their duty to mitigate by discontinuing efforts to re-rent, and I therefore dismiss the landlord's application for lost revenue for the balance of the lease without leave to reapply.

The landlord is not entitled to costs associated with the dispute resolution process, and I dismiss that portion of the landlord's claim.

As the landlord's claim was partially successful, I find they are entitled to partial recovery of the filing fee, in the amount of \$30, for a total claim of \$2764.26.

Conclusion

I order that the landlord retain the deposit and interest of \$426.20 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2338.06. This order may be filed in the Small Claims Court and enforced as an order of that Court.