



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, FF, O

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent / loss of revenue - Section 67;
2. An Order to retain the security deposit - Section 38;
3. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenants were served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenants did not participate in the conference call hearing.

The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on October 8, 2004 and ended on October 31, 2010. Rent in the amount of \$1,000.00 was payable in advance on the first day of each month. At the outset of the tenancy, the Landlord collected a security deposit from the Tenants in the amount of \$500.00. The Tenant gave oral notice to end the tenancy on October 4, 2010 and moved out of the unit on October 31, 2010. The tenancy ended with rental arrears owing in the amount of \$2,500.00 for the months of August, September and October 2010. The Landlord also claims lost rental revenue for November 2010. The Landlord

states that he tried to mitigate his revenue loss by listing the property for sale in September 2010 but as the property did not sell, the Landlord moved into the unit himself on December 1, 2010. The Landlord declined to provide any evidence of damages to the unit. The quantum of the Landlord's monetary claim is **\$3,500.00**.

Analysis

Given the undisputed evidence of the Landlord, I find that the Landlord has established a monetary claim for the amount of \$3,500.00 in rental arrears and lost rental revenue. The Landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$3,550.00**. The **security deposit** will be off-set from the award made herein.

Calculation for Monetary Order

Rental Arrears	\$2,500.00
Loss of rent revenue	1,000.00
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest <i>to date</i>	-517.71
Total Monetary Award	\$3,032.29

Conclusion

I Order that the Landlord retain the **deposit** and interest of \$517.71 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$3,032.29**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: June 08, 2011.

Residential Tenancy Branch