



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

Some written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by personal service on February 22, 2013, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application for an Order of Possession based on the Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$1300.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began on October 1, 2012 with the monthly rent of \$650.00 and the tenant paid a security deposit of \$325.00 at that time.
- The tenant failed to pay the February 2013 rent and therefore on February 7, 2013 the tenant was personally served with the Notice to End Tenancy.
- The tenant did not comply with the notice within the 10 day time frame, and therefore on February 19, 2013 she applied for dispute resolution.
- The tenant was served with notice of the hearing on February 22, 2013 however the tenant subsequently vacated the rental unit on February 26, 2013 and she therefore no longer requires an Order of Possession.
- The tenant failed to pay any of the February 2013 rent.
- The tenant also vandalize the rental unit by disconnecting a water pipe and leaving the water running when she vacated, and as a result of the ensuing damage she has been unable to re-rent the unit for the month of March 2013.
- She is therefore requesting a monetary order as follows:

February 2013 rent outstanding	\$650.00
March 2013 lost rental revenue	\$650.00
Filing fee	\$50.00
Total	\$1350.00

Analysis

It's my finding that the landlord has shown that the tenant failed to pay the full February 2013 rent, and I therefore allow the claim for that outstanding rent.

I also allow the landlords claim for the loss rental revenue for the month of March 2013 as I accept the landlord's testimony that the rental unit was vandalized and in need of repairs.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlords full claim of \$1350.00 and I therefore order that the landlord may retain the full security deposit of \$325.00, and I have issued a Monetary Order in the amount of \$1025.00

The landlord has withdrawn the request for an Order of Possession.

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: March 13, 2013

Residential Tenancy Branch

