

Dispute Resolution Services

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

Decision

Dispute Codes: MNDC MNR OPR

Introduction

This matter dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord appeared at the hearing, and gave evidence that the landlord's agent had served the notice of hearing and the application for dispute resolution in person to the tenants. Based upon that testimony I am satisfied that the tenants have been duly served.

At the hearing, the landlord advised that the tenants had vacated the rental unit on or about the first of December, and as such, an order of possession is not applicable.

Issue(s) to be Decided

Is the landlord entitled to a monetary order, and if so in what amount?

Background and Evidence

The landlord gave evidence at the hearing as follows:

- the tenancy commenced on February 1, 2008
- the monthly rent payable is \$1600.00
- a security deposit of \$800.00 was paid to the landlord at the start of the tenancy
- the rent for November was not paid

- the landlord seeks loss of revenue for December as he has been unable to rent the unit and it still requires cleaning

Analysis

I find that the evidence of the landlord in regards to unpaid rent is undisputed. The landlord has made attempts to mitigate his loss for December, but the unit was not left in a clean condition and although the unit has been advertised he has been unsuccessful in finding new tenants.

I find that the landlord has established a valid claim for the unpaid rent for November 2008 and for loss of revenue for December 2008.

Conclusion

I order that the landlord may retain the security deposit plus interest valued at \$810.26 and I grant a monetary order for the balance of \$2389.74. The order may be filed with and enforced as an order of the Provincial Court of British Columbia.

Dated: December 9, 2008