

Dispute Resolution Services

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

Decision

Dispute Codes: MNR MNSD OPR FF

Introduction

This hearing dealt with an application by the landlord for an order of possession due to unpaid rent, a monetary order to recover rental arrears and inclusive of recovery of the filing fee associated with this application; and, an order to retain the security deposit in partial satisfaction of the monetary claims. As the tenants have moved from the rental unit, this decision will only deal with matters pertaining to the monetary claim for which the landlord has applied.

Both, the landlord and the tenants participated in today's hearing.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on October 1, 2008. Rent in the amount of \$1650 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord requested and shortly thereafter collected a security deposit from the tenant in the amount of \$825. The tenant failed to pay rent in the month of November, 2008 and on December 4, 2008 the tenants vacated the rental unit after learning of the notice to end tenancy to vacate by November 30, 2008. The tenant failed to pay any rent in and for the month of December. Under solemn affirmation both parties agreed on the preceding information. Furthermore, the tenants do not dispute the landlord's information that the rental unit was left in a manner requiring some remedial work before

it can be rented again. The landlord's testimony is that he is not readily able to rent out the unit in mid-month of December before Christmas, and is requesting full month's rent in compensation.

Analysis

Based on the landlord's and tenant's testimony I find the tenant has not paid the outstanding rent for November and did not pay rent for December. The landlord is responsible to mitigate any revenue losses by attempting to rent out the unit as quickly as possible. I find that the landlord is at least entitled to one half (1/2) month's rent for the month of December 2008.

Based on the above facts I find that the landlord has established a claim for **\$2475** in unpaid rent. The landlord is also entitled to recovery of the **\$50** filing fee, for a total entitlement of **\$2525**.

Conclusion

I order that the landlord retain the deposit and interest of **\$827.67** in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$1697.33**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: December 18, 2008