



Dispute Resolution Services

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

DECISION

Dispute Codes: MNR, MND, MNSD, & FF.

Introduction:

This hearing dealt with the landlord's application for a monetary claim related to non-payment of rent and damage to the rental unit. Although tenant was served with notice of this hearing in person on October 1, 2008 she did not attend the hearing.

The landlord has withdrawn his request for a monetary claim related to damages as he was unable to serve the tenant with copies of the evidence. I dismiss this portion of the landlord's claim with leave to re-apply.

I proceeded with the hearing considering the landlord's loss of rent in the tenant's absence.

Issues to be Determined:

Has the landlord established a monetary claim related to non-payment of rent? Is the landlord entitled to retain the tenant's security deposit plus interest in partial satisfaction of this claim?

Background and Evidence:

This tenancy began on December 1, 2007 for a fixed term ending on November 30, 2008. The monthly rent was \$1,600.00 and the tenant paid a security deposit of \$800.00 on November 8, 2007.

The tenant failed to pay rent for the months of August, September and October 2008. The tenant was served a ten day Notice to End Tenancy due to non-payment of rent on August 12, 2008. The tenant subsequently abandoned the rental unit without notice to the landlord in late September 2008 and without paying the outstanding rent. The tenant also left a substantial portion of her possessions behind. The landlord wrote the tenant on October 7, 2008 following up on their repeated requests to the tenant to clean the rental unit and recover her possessions and remove any debris. The landlord provided the opportunity for the tenant to respond to these requests by October 10, 2008.

The landlord is seeking a monetary claim for the sum of \$4070.00 comprised of outstanding rent and a \$20.00 late payment fee of \$1,620.00 for August 2008, \$1,600.00 for September 2008 and \$800.00 for loss of rental revenue from October 1 to 15th, 2008. This sum also includes the recovery of the \$50.00 filing fee paid by the landlord for this application.

Analysis:

I accept the landlord's application for a monetary claim due to non-payment of rent. The tenant was in breach of the tenancy agreement and failed to vacate by the effective date of the Notice to End Tenancy. The tenant remained in possession of the rental unit until late September 2008 and failed to leave the rental unit reasonable clean and undamaged when she did vacate.

I accept the landlord's claim for a monetary order for \$4,070.00. From this sum I Order that the landlord may retain the tenant's security deposit plus interest of \$812.84 in partial satisfaction of this claim leaving an outstanding balance of \$3,257.16.

Conclusion:

I grant the landlord a monetary Order for the sum of **\$3,257.16**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

I dismiss, with leave, the landlord's claim for damages to the rental unit.

Dated December 02, 2008.

Dispute Resolution Officer