

Dispute Resolution Services

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

DECISION

Dispute Codes:

OPR, MNR, MNSD, 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 claim. Despite having been served with the application for dispute resolution and notice of hearing the tenant did not participate in the conference call hearing. As the tenants have moved from the rental unit, this decision will only deal with matters pertaining to the monetary claim.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on September 05, 2008. Rent in the amount of \$900 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$450. The tenant failed to pay rent in the month of February 2009, and on February 06, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent.

The tenant vacated the rental unit on February 25, 2009.

The landlord is claiming rent for February 2009 in the amount of \$900, plus \$25 late fee, as well as lost revenue for March 2009, as the suite could not be made ready within the

3 days remaining in the month. The landlord's representative did not have information as to what efforts were made to mitigate or minimize revenue losses for March 2009.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant did not pay the outstanding rent and has not applied for dispute resolution to dispute the notice.

As for the monetary order, I find that the landlord has established a claim for **\$925** in unpaid rent for February, along with the late fee for same.

Section 7 of the Act states that the landlord must make a reasonable effort to minimize or mitigate revenue losses. I find the landlord is entitled to loss of revenue for one half (1/2) month's rent for March 2009 in the amount of **\$450**. The landlord is also entitled to recovery of the **\$50** filing fee, for a quantum entitlement claim of **\$1425**.

Conclusion

I order that the landlord retain the deposit and accrued interest of \$452.18 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$972.82**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated April 09, 2009