

# Dispute Resolution Services

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

## **DECISION**

### **Dispute Codes:**

MNR, FF, MNSD, MNDC, MND

### **Introduction**

This hearing dealt with an application by the landlord for a monetary order to recover unpaid rental arrears, loss of income, for damage to the unit, an order to retain the security deposit in partial satisfaction of the monetary claim; and, inclusive of recovery of the filing fee associated with this application. Despite having been personally served with the application for dispute resolution and notice of hearing in accordance with section 89 of the Residential Tenancy Act, on February 05, 2009 the tenant did not participate in the conference call hearing.

### **Issue(s) to be Decided**

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The undisputed evidence before me is as follows:

The tenancy began on May 21, 2008 and ended January 25, 2009. Rent in the amount of \$800 was 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 \$400. The tenant failed to pay rent in the months of October and December 2008 in the amount of \$1200. The tenant again failed to pay rent in the month of January 2009 in the amount of \$800 and on January 10, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent.

The tenants vacated the rental unit on January 25, 2009.

The landlord's total claim on application is for \$3000, as follows:

- the quantum of unpaid rent in the amount of \$2000
- loss of rental revenue for February in the amount of \$800. The landlord claims that since the tenants moved on the 25<sup>th</sup> of the month she was unable to rent out the unit for February 01, 2009, but did so for March 2009.
- damage to carpeting in the amount of \$200

The landlord did not submit supporting evidence to forward her claim for carpet damage.

### **Analysis**

I find that the landlord has established a claim for **\$2000** in unpaid rent. I also find the landlord was obligated to take reasonable steps to mitigate and minimize rental revenue for the month of February 2009, and in this regard I grant the landlord one half (1/2) month's rent in lost revenue for February 2009 in the amount of **\$400**.

The landlord did not submit proof to support her claim for carpet damage, and in this regard, I dismiss this portion of the landlord's claim.

The landlord is entitled to recovery of the **\$50** filing fee, for a total entitlement claim of **\$2450**.

### **Conclusion**

I order that the landlord retain the deposit and interest of \$403.69 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$2046.31**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated April 15, 2009