

DECISION AND REASONS

This hearing was convened in response to an application by the landlord for unpaid rent / loss of revenue and to keep the security deposit in partial satisfaction of the monetary claim. The landlord's application is inclusive of recovery of the filing fee for this application.

I accept that despite having been served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The undisputed testimony of the landlord is that this tenancy began June 16, 2008. At the outset of the tenancy the landlord collected a security deposit reflected in the Tenancy Agreement as in the amount of \$450. The rent in the tenancy was \$975 per month payable in advance by the 1st of each month. A "few days before the end of March"(2009) the tenant verbally notified the landlord that she was vacating at the end of March 2009, and did so on March 31, 2009. The landlord could not re-rent the suite for April 2009 and is claiming rent for this period in the amount of \$975.

In addition the landlord claims they are holding refundable amounts as per Section 6 of the Regulations, for a remote door opener tag for the main entrance, and a parking door remote in the amount of \$50 each which they are requesting to retain in satisfaction of any monetary order.

I find that the tenant did not give the landlord legal notice to vacate and the landlord, unable to re-rent the rental unit for the following month, incurred a loss of revenue until such time that the tenant's proper notice would have taken legal effect (April 30, 2009). Therefore, landlord has established a claim for **\$975** in unpaid rent / loss of revenue. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1025**.

The landlord has requested to retain the refundable deposits totalling \$100, and **I so order** that the landlord retain them. **I further order** that the landlord retain the security deposit and interest of \$454.08 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$470.92**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated July 06, 2009.