

Dispute Resolution Services

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

Decision

Dispute Codes: MND, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been personally served with the application for dispute resolution and notice of hearing on May 26, the tenant did not participate in the conference call hearing.

Although the original application had named as a respondent a second tenant, D.O., the hearing documents were not served on D.O. and the landlord indicated that he only wished to proceed against the tenant J.H.. The style of cause in this decision and the accompanying order reflects this change.

On June 25 the landlord submitted to the Residential Tenancy Office an amended application for dispute resolution in which he added a claim for damages to the rental unit in the amount of \$2,010.31. The landlord testified that he was unable to serve the amended application on the tenant. As the tenant had no notice of the landlord's amended claim and was thereby deprived of the opportunity to respond to it, I found that the amended claim must be dismissed with leave to reapply. The hearing proceeded to deal with the landlord's original claim.

Issue(s) to be Decided

Is the landlord entitled to a monetary order for unpaid rent for May and loss of income for June?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began on September 1, 2008 and was fixed for a one year term. Rent was \$1,600.00 per month and an \$800.00 security deposit was paid on July 16, 2008. The tenant failed to pay rent in the

month of May 2009 and was served with a 10-day notice to end tenancy. The tenant vacated the rental unit on May 26 and the landlord was unable to re-rent the unit until June 16, 2009.

Analysis

Based on the landlord's undisputed testimony, I find that the landlord is entitled to recover \$1,600.00 in unpaid rent for May and \$800.00 in loss of income for June. The landlord is also entitled to recover the \$50.00 filing fee paid to bring this application for a total entitlement of \$2,450.00. I order that the landlord retain the deposit and interest of \$805.54 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,644.46. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$1,644.46.

Dated July 07, 2009.
