

# Dispute Resolution Services

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

## **DECISION AND REASONS**

**Dispute Codes:** OPR, MNR, MNSD, MNDC, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for rent, loss of income and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

The notice of hearing dated June 24, 2009 was served on the tenant on June 25, 2009, in person. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

Since the tenant moved out on June 27, 2009, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for rent, loss of income, filing fee and to retain the security deposit.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover rent, loss of income and the filing fee? Is the landlord entitled to retain the security deposit?

### **Background and Evidence**

The landlord testified that the tenancy started on July 01, 2006. The monthly rent was \$841.00 payable in advance on the first of each month. Prior to moving in, the tenant paid a security deposit of \$390.00.

The tenant failed to pay rent for June and the landlord served the tenant with a ten day notice to end tenancy, for unpaid rent. The tenant moved out on June 27, 2009 without paying rent and without cleaning the rental unit. The landlord cleaned and painted the unit and advertised the vacancy in the local newspaper.

The landlord stated despite efforts to re-rent the unit, she was unable to find a tenant for July.

The landlord is claiming the following:

1.	Rent for June 2009	\$841.00
2.	Loss of income for July 2009	\$841.00
3.	Filing fee	\$50.00
	Total	<b>\$1,732.00</b>

### **Analysis**

In the absence of evidence to the contrary, I find that the tenant owes rent for June in the amount of \$841.00. I also find that the landlord made efforts to mitigate her losses, but was unable to find a tenant for July. Therefore the landlord is entitled to loss of income for July in the amount of \$841.00. The landlord has proven her case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$1,732.00. I order that the landlord retain the security deposit of \$390.00 and the accrued interest of \$12.86 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,329.14. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord a monetary order for **\$1,329.14**

Dated August 06, 2009.

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Dispute Resolution Officer