



Dispute Resolution Services

Residential Tenancy Branch

Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes:

MNR, MNSD, FF

Introduction

This hearing was convened in response to an application by the landlord for a Monetary Order for unpaid rent 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.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail, and also by personal service in accordance with Section 89 of the Residential Tenancy Act (the Act) 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 tenancy began on December 01, 2008. The tenant vacated the rental unit on or about July 15, 2009. Rent in the amount of \$1000 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 \$500. The tenant failed to pay rent for the month of July 2009 – the last month of occupancy for the tenant.

On July 01, 2009 the tenant gave the landlord verbal notice (telephone message) to end tenancy by July 31, 2009. On July 02, 2009 the tenant confirmed this by telephone and informed the landlord that a stop payment had been made on the rent cheque for July 2009. The landlord received the tenant's written notice to vacate on July 06, 2009. The

landlord testified that due to the parties' conflict relationship the landlord was not able to arrange any showings of the rental unit for potential renters for August 01, 2009. The landlord claims that the tenant would not communicate with the landlord to the point of hanging up the phone. Once the landlord determined the tenant vacated on July 15, 2009 the landlord then began advertising, and re-rented it for August 15, 2009. The landlord's amended claim on application is for the rent for July, 2009, and loss of rental revenue for one half (1/2) month's rent for August 2009.

Analysis

Based on the landlord's testimony I find the tenant has not paid the outstanding rent for July 2009, as the tenant stopped payment on the cheque for July. On the preponderance of the landlord's testimony, and on the balance of probabilities, I find that the tenant interfered with the landlord's efforts to re-rent the unit for August 01, 2009. As a result, I will permit the landlord's claim for loss of revenue for the first half of August 2009.

As for the monetary order, I find that the landlord has established a claim for **\$1000** in unpaid rent for July 2009 and \$500 in loss of revenue for August 2009. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1550**.

Conclusion

I order that the landlord retain the deposit and interest of \$501.18 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$1048.82**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated December 02, 2009.