

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on March 5, 2010 but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$6,855.05 and a request retain the full security deposit plus interest towards the claim. The applicant is also requesting that the respondent bear the \$100.00 cost of the filing fee that was paid for the dispute resolution hearing.

Background and Evidence

The applicant testified that:

- The tenant signed a one-year lease that expires on November 30, 2010.
- The respondent failed to pay the rent of \$1900.00 per month, for the months of November 2009 and December 2009, and vacated at the end of December 2009.
- The landlord was unable to re-rent the unit for the month of January 2010 and therefore lost the full rental revenue of \$1900.00 for that month.
- The landlord also had NSF bank charges of \$55.00 per month for the months of November 2009 December 2009 and January 2010.
- The landlords had to pay strata move-out fees totalling \$275.00.

- The landlords also had to pay a strata management fee for the property totalling \$478.80 for the period of November 9 through January 10 during which time they had collected no rent and they therefore want those fees passed on to the tenant.
- The landlords also had to pay a total of \$236.25 to a property management company to handle the dispute resolution process.

The applicant is therefore requesting an order as follows:

November 2009 rent outstanding	\$1900.00
December 2009 rent outstanding	\$1900.00
January 2010 lost rental revenue	\$1900.00
NSF bank charges \$55.00 X 3	\$165.00
Strata move-out charges	\$275.00
Property management fees	\$478.80
Management fee for filing application	\$236.25
Filing fee for dispute resolution	\$100.00
Total	\$6955.05

Analysis

The tenant is bound by the terms of the lease and therefore he must pay the \$1900.00 rent owed for the months of November 2009 December 2009 and the lost revenue for January 2010.

The landlord has supplied no evidence of any NSF bank charges and therefore I denied those charges.

The landlord had to pay a total of \$275.00 in strata move-out fees and therefore pursuant to section 7(1)(f) of the Residential Tenancy Regulations, the tenant is liable for those fees. I therefore allow this portion of the claim.

I will not allow the claim for property management fees as these are fees that would normally be paid out of the rent, and since I have ordered that the rent be paid I deny these fees.

I also deny the management fees to file for dispute resolution, as this is a cost of the dispute resolution process and I have no authority to award costs other than the filing fee.

I will allow the claim for the filing fee of \$100.00, as I have allowed the majority of the applicants claim.

Conclusion

I have allowed \$6,075.00 of the claim. I therefore order that the landlord(s) may retain the full security deposit plus interest:

\$950.00

I further Order that the Respondent(s) pay to the applicants the following amount:

\$5125.00

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 15, 2010.

Dispute Resolution Officer