



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, MNDC, FF

Introduction

This was the hearing of an application by the landlord for a monetary order. The hearing was conducted by conference call. The landlord's representative participated in the hearing but the tenant did not attend although she was served with the application and Notice of Hearing by registered mail sent on September 24, 2010.

Issue(s) to be Decided

Is the landlord entitled to a monetary order for loss of revenue and compensation for damage to the rental unit and if so, in what amount?

Background and Evidence

The rental unit is an apartment in Burnaby. The tenancy began on August 1, 2005. The tenant paid a security deposit of \$472.50 on July 22, 2005.

The tenant gave the landlord a letter dated August 31, 2010 wherein she told the landlord that she intended to move out of the rental unit by September 30, 2010. The landlord received the letter on September 2, 2010. The tenant also completed a form of termination notice dated September 1, 2010. The notice contained an acknowledgement that the tenancy would continue until the earlier of October 31, 2010 or the date that the suite was re-rented. The monthly rent at the end of the tenancy was \$1,055.00.

The tenant participated in a move-out inspection. The tenant acknowledged that she was responsible for repairs and cleaning to the rental unit in the total amount of \$660.00. the amount included suite painting and wall repairs of \$180.00, charges for two bedroom doors in the amount of \$240.00, suite cleaning of \$200.00 and deadbolt and key replacement charges of \$40.00.

The landlord re-rented the unit commencing October 15, 2010, but the tenant did not agree that she was liable for loss of revenue for the first two weeks of October, 2010.t

Analysis and conclusion

The tenant gave less than a full month's notice to end tenancy. I find that the landlord acted promptly to mitigate its damages by seeking a new tenant. Although the tenant did not acknowledge liability for loss of revenue on the condition inspection report, she did agree that the tenancy would continue until the end of October or the date the unit was re-rented. On that basis I find that the tenant is liable for loss of revenue for the first two weeks of October in the amount of \$492.00. I find that the tenant is responsible for painting, cleaning and repair costs as claimed in the amount of \$660.00. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1,202.00. I order that the landlord retain the security deposit and interest of \$489.24 in partial satisfaction of the award and I grant the landlord and order under section 67 for the balance in the amount of \$712.76. This order may be registered in the Small Claims Court and enforced as an order of that court.

Dated: January 28, 2011.
