



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain a Monetary Order for unpaid rent, a Monetary Order for money owed or compensation for damage or loss, an Order to keep the tenants security deposit and to recover the filing fee paid for this application. At the outset of the hearing the landlords' agent withdrew the landlords' application for an Order of Possession as the tenant has vacated the rental unit.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on February 28, 2011. Mail receipt numbers were provided in the landlords' documentary evidence. The tenant was deemed to be served the hearing documents on March 05, 2011, the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlords agent appeared, gave affirmed testimony, was provided the opportunity to present her evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Issues(s) to be Decided

- Is the landlord entitled to a Monetary Order to recover unpaid rent?
- Is the landlord entitled to a Monetary Order for money owed or compensation for damage or loss?
- Is the landlord entitled to keep the security deposit?

Background and Evidence

This month to month tenancy started on January 01, 2011. Rent for this unit was \$700.00 per month due on the 1st of each month. The tenant paid a security deposit of \$350.00 on December 30, 2010. The tenant left the rental unit on or about March 11, 2011.

The landlords' agent testifies that the tenants did not pay rent for February, 2011 to the sum of \$700.00. The landlords' agent states the tenant was served with Notice to End Tenancy on February 16, 2011 by posting the Notice to the tenants' door. This Notice states the tenants have five days to pay the outstanding rent or dispute the notice by applying for dispute resolution or the tenancy will end on February 26, 2011. The landlord has applied for a Monetary Order to recover \$700.00 from the tenant. The landlord also seeks to recover \$700.00 for loss of revenue for March, 2011 as they have been unable to re-rent the unit despite placing advertisements in the local paper. The landlords' agent also states the tenant left the rental unit in a state of disarray and has had to spend time cleaning and preparing the unit for rental.

The landlord seeks an Order to keep the tenants security deposit of \$350.00 and seeks an Order to recover the \$50.00 filing fee.

Analysis

The tenant did not appear at the hearing to dispute the landlords' claims, despite having been given a Notice of the hearing; therefore, in the absence of any evidence from the tenant, I have considered the landlords documentary evidence and affirmed testimony of the landlords' agent. S. 26 of the *Act* states a tenant must pay rent on the day it is due. The landlords' agent has testified that rent is due on the 1st day of each month and the tenant failed to pay rent for February, 2011. Therefore, I find the landlord is entitled to recover rent arrears of **\$700.00** pursuant to s. 67 of the *Act*. I further find that due to the undisputed testimony of the landlords' agent that the tenant left the unit in disarray and despite attempts to re-rent it for March it still remains vacant. Therefore, the landlord is entitled to a Monetary Order for a loss of income for March, 2011 of **\$700.00** pursuant to s. 67 of the *Act*.

I Order the landlord to keep the tenants security deposit of \$350.00 in partial satisfaction of the rent arrears pursuant to s. 38(4)(b) of the *Act*.

As the landlord has been successful with this claim I find the landlord is entitled to recover the **\$50.00** filing fee from the tenant pursuant to section 72(1) of the *Act*. The landlord will receive a monetary order for the following amount:

Unpaid rent February, 2011	\$700.00
Subtotal	\$1,400.00
Plus filing fee	\$50.00
Less security deposit	(-\$350.00)
Total amount due to the landlord	1,100.00

Conclusion

I HEREBY FIND in favor of the landlords' monetary claim. A copy of the landlords' decision will be accompanied by a Monetary Order for **\$1,100.00**. The order must be served on the tenant and is enforceable through the Provincial Court as an order of that Court.

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: March 15, 2011.

Residential Tenancy Branch