



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF, O

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent /unpaid utilities/ loss of revenue - Section 67;
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The following are undisputed facts: The tenancy began on September 1, 2010. Rent in the amount of \$1,500.00 is 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 \$750.00. The Tenant failed to pay rent for the month of May 2011 and on May 2, 2011 the parties signed a mutual agreement to end the tenancy as of May 14, 2011. The Tenants remained in the unit until May 30, 2011. The Landlord was unable

to advertise or show the unit to prospective tenants due to an unclean state of the unit as well as articles and garbage left behind by the Tenants. The Landlord claims unpaid rent for the month of May 2011, lost rental income for the month of June 2011 and utility arrears in the amount of \$470.73. The quantum of the Landlord's monetary claim is **\$3,470.73.**

Analysis

Based on the undisputed facts from the Landlord, I find that the Landlord has established a monetary claim for unpaid May 2011 rent in the amount of \$1,500.00 and utility arrears in the amount of \$470.73. Although the Parties mutually agreed to end the tenancy on May 14, 2011, since the Tenants remained in the unit until the end of May 2011 and left articles and garbage behind, I find that the Landlord has substantiated a claim for lost rental revenue in the amount of \$1,500.00. The Landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$2,770.73.**

The **security deposit** will be off-set from the award made herein.

Calculation for Monetary Order

Rental arrears	\$1,500.00
Loss of rent revenue	1,500.00
Utility arrears	470.73
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest <i>to date</i>	-750.00
Total Monetary Award	\$2,770.73

Conclusion

I Order that the Landlord retain the **deposit** and interest of \$750.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$2,770.73.** If necessary, this Order may be filed in the Small Claims Court and enforced 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 Act.

Dated: June 07, 2011.

Residential Tenancy Branch