



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Landlord's application: MND; MNR; MNDC, MNSD; FF

Tenant's application: MNDC, MNSD

Introduction

This Hearing was convened to consider cross applications. The Landlord seeks a Monetary Order for loss of revenue and damages to the rental unit; to retain the security deposit in partial satisfaction of her monetary claim; and to recover the cost of the filing fee from the Tenant. The Tenant seeks compensation in the equivalent of double the security deposit.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed to the Tenant, via registered mail, to the forwarding address provided by the Tenant on March 7, 2010. The Landlord provided the Canada post tracking number. The Landlord testified that she had been served with the Tenant's Notice of Hearing documents. The Landlord signed into the Hearing on time and was ready to proceed.

Based on the affirmed testimony of the Landlord, I am satisfied that the Tenant was duly served with the Landlord's documentary evidence and Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

The Tenant's application is dismissed without leave to reapply.

Issues to be Decided

- Is the Landlord entitled to a monetary award for loss of revenue for the month of February, 2011, and the cost of replacing a dead bolt at the rental unit?

Background and Evidence

The Landlord gave the following relevant testimony:

Monthly rent was \$675.00, due the first day of each month. The Tenant and another co-tenant paid a security deposit in the amount of \$337.50 at on December 8, 2010. The co-tenant moved out of the rental unit on or about December 12, 2010. The Landlord replaced the deadbolt to the rental unit at the request of the Tenant because he was afraid of the co-tenant returning and stealing his belongings. The Landlord changed the deadbolt again on January 26, 2011, after the Tenant moved out. The Landlord seeks to recover the cost of replacing the deadbolt on December 12, 2010, in the amount of \$40.00.

The Tenant moved out of the rental unit at the end of January, 2011, without providing the Landlord with notice that he was doing so. The Landlord seeks a monetary award for loss of rent for the month of February, 2011.

Analysis

Based on the undisputed testimony of the Landlord, she has established her claim for loss of revenue in the amount of \$675.00 for the month of February, 2011.

The Landlord did not provide sufficient evidence to support her claim in the amount of \$40.00 for the cost of replacing the deadbolt (i.e. a copy of the receipt for the deadbolt). Therefore, this portion of her application is dismissed without leave to reapply.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary claim. No interest has accrued on the security deposit.

The Landlord has been largely successful in her application and is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

The Landlord has established a monetary claim as follows:

Loss of revenue	\$675.00
Subtotal	\$725.00
Less security deposit	- \$337.50
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$387.50

Conclusion

I hereby provide the Landlord a Monetary Order in the amount of \$387.50 for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

The Tenant's application is dismissed without leave to reapply.

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 13, 2011.

Residential Tenancy Branch