



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNR, MNSD

Introduction

A substantial amount of 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 April 5, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$3674.00 and a request to retain the full security deposit towards the claim.

Background and Evidence

The applicant testified that:

- The tenant failed to pay the full rent for March 2011 and at this time there is \$650.00 still outstanding.
- The tenant vacated March 18, 2011 however the tenant had signed a fixed term tenancy agreement with the expiry date of July 31, 2012.

- She attempted to re-rent the unit for as soon as possible however the unit did not rent right away, and she lost the full rental revenue for the month of April 2011, and a portion of the rental revenue for the month of May 2011.
- The tenant also left the rental unit in need of some cleaning and the carpets were left in need of cleaning as they had a strong pet smell.
- The tenant also failed to return the keys to the rental unit and therefore she had to have 2 new keys cut.
- She originally had claimed for the estimated cost of the removal of a hot tub however she ended up having it removed that no cost and therefore is withdrawing that portion of the claim.

The applicant is therefore requesting a claim as follows:

March 2011 rent outstanding	\$650.00
Lost rental revenue for April 2011	\$1050.00
Lost rental revenue for May 2011	\$203.23
Advertising costs to re-rent the unit	\$94.02
Her charge for time spent cleaning	\$38.00
Carpet cleaning	\$80.00
New keys	\$6.00
Filing fee	\$50.00
Total	\$2171.25

Analysis

It is my decision that the applicant has established the full amount of her reduced claim.

The tenant signed a fixed term tenancy agreement and therefore is liable for rent for the remainder of that term if the landlord is unable to re-rent the unit, and therefore since the landlord took reasonable steps to re-rent the unit, I allow the full amounts claimed for the months of March 2011, April 2011, and May 2011.

I also allow the landlords claim for advertising costs as these are cost she would not have had if the tenant had not breach the tenancy agreement.

I also accept the landlord's testimony that the rental unit was left in need of cleaning and carpet cleaning and it is my decision that the amounts claimed are justified.

Further since the tenant failed to return the keys the landlord was fully justified in having new keys cut.

I also allow recovery of the filing fee.

Conclusion

I have allowed the landlords full reduced claim of \$2171.25, and I therefore order that the landlord may retain the full security deposit of \$525.00 and I have issued a monetary order in the amount of \$1646.25

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: July 15, 2011.

Residential Tenancy Branch