



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by courier on June 27, 2011, the tenant did not participate in the conference call hearing.

At the outset of the hearing, the landlord confirmed that the tenant had already moved out, so he no longer required an order of possession. Accordingly, I dismissed that portion of his application.

The landlord sought to amend his application to claim additional monetary compensation. However, the landlord did not serve the tenant with his additional evidence to support his supplementary claim. I therefore did not admit the evidence or allow an amendment to the landlord's original claim.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on February 1, 2011. Rent in the amount of \$500 was 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 \$250.

The tenant only paid \$200 of his rent in June 2011, and on June 4, 2011 the tenant gave the landlord notice that he would be vacating by June 30, 2011. The tenant vacated the unit at approximately 10:00 pm on June 30, 2011. The tenant did not pay the outstanding \$300 for the balance of June 2011 rent, and he also owed \$112 in unpaid utilities. The landlord has claimed these amounts. Furthermore, the landlord also claimed \$500 for lost revenue for July 2011, because the tenant gave the late

notice. When I asked the landlord what he had done to attempt to re-rent the unit for July 2011, he responded that he “advertised on Craigslist.”

Analysis

I find that the landlord is entitled to the balance of rent for June 2011, in the amount of \$300, as well as \$112 for unpaid utilities. I am not satisfied that the landlord took all reasonable steps to attempt to re-rent the unit for July 2011, and I therefore deny the portion of his application claiming lost revenue for July 2011. That portion of the application is dismissed.

As the landlord’s claim was partially successful, I find he is entitled to partial recovery of his filing fee, in the amount of \$25.

Conclusion

The landlord is entitled to \$437. I order that the landlord retain the security deposit of \$250 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$187. 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 *Residential Tenancy Act*.

Dated: July 25, 2011.

Residential Tenancy Branch