



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 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 / loss of revenue - Section 67;
2. An Order to retain the security deposit - Section 38
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail on September 27, 2011, in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord advised the tenant purportedly vacated the rental unit by October 02, 2011.

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

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on April 01, 2011. Rent in the amount of \$725 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 \$362.50. The tenant failed to pay rent in the month of September 2011 and on September 09, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The landlord

testified that on October 02, 2011 the resident manager for the rental unit discovered the tenants had vacated. The landlord did not know for certain when the tenants vacated as the tenants did not notify the landlord they were vacating.

The landlord's monetary claim for the rental unit is for the unpaid rent for September 2011, an NSF (non sufficient funds) fee of \$25, late fee for September 2011 of \$25, and a corresponding 'laundry income' amount of \$10, loss of revenue for October 2011, late fee of \$25, and the corresponding 'laundry income' amount of \$10.

The landlord has provided supporting documentation in respect to the rent payable, late fee imposition, 'laundry income' amount, and NSF fee.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice.

I find that the landlord has established a monetary claim for **\$725** in unpaid rent for September 2011, along with an NSF fee of **\$25**, and a corresponding late fee of **\$25**. I find that the landlord's lack of certainty as to when the tenants vacated does not fully support their claim for loss of revenue for October 2011. In light of this ambiguity, and lack of any evidence in respect to the landlord's attempts to mitigate the loss of revenue following the tenant's departure, I grant the landlord a nominal amount equivalent to one half month's rent for October 2011 in the amount of **\$362.50**. I decline to grant a late fee amount for loss of revenue (versus late rent), and I grant a corresponding amount for 'laundry income', of **\$5**. The landlord is also entitled to recovery of the **\$50** filing fee, for a total entitlement of **\$1202.50**. The security deposit will be off-set from the award made herein.

Calculation for Monetary Order

Rental Arrears	\$725.00
Late fee for September 2011	\$25.00
NSF fee for September 2011	\$25.00
'laundry income' amount for September 2011	\$10.00
Loss of revenue for October 2011	\$362.50
'laundry income' amount for corresponding loss of revenue	\$5.00

Filing Fees for the cost of this application	50.00
Less Security Deposit and applicable interest <i>to date</i>	-362.50
Total Monetary Award	\$840.00

Conclusion

I **order** that the landlord retain the security deposit of \$362.50 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$840**. 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 *Residential Tenancy Act*.

Dated: October 26, 2011

Residential Tenancy Branch