



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MND, MNDC, MNR, MNSD, FF

Introduction

This hearing was convened in response to an amended 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; (\$850)
2. An Order to retain the security deposit in partial satisfaction of any monetary award - Section 38 (- \$850)
3. A Monetary Order for damages to the unit – Section 67 (\$357)
4. An Order to recover the filing fee for this application - Section 72 (\$50)

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 in accordance with Section 89 of the Residential Tenancy Act (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.

Issues(s) to be Decided

Is the landlord entitled to a Monetary Order in the amount claimed?

Background and Evidence

The undisputed testimony in this matter is as follows. This tenancy began August 05, 2011 as a fixed-term tenancy ending in August 2012. The tenancy ended on September 04, 2011 when the tenant vacated. Move in and move out inspections were conducted by the parties and each signed the respective condition inspection report. There was no agreement respecting the administration of the security deposit. The tenant caused damage to the rental unit prior to vacating the unit. The landlord claimed remediation costs for a food-clogged stove of \$84, replacement of a key fob for the unit

– not returned by the tenant, of \$100, and rekeying and lock charges – key not returned by the tenant, of \$173. The landlord testified that they immediately re-advertised the rental unit upon late notification that the tenant was vacating, and were successful in securing new tenants for September 15, 2011. The landlord claims one half month's rent in the amount of \$850. The landlord provided evidence for their monetary claims and evidence of the landlord's mitigation of their claim for loss of revenue.

Analysis

I accept the landlord's testimony and documentary evidence submitted as establishing that they incurred the amounts claimed and that they are entitled to compensation in the sum amount of **\$1207**. The landlord is entitled to recover the **\$50** filing fee paid for his application for a total award of **\$1257**. The security deposit will offset the award herein.

Calculation for Monetary Order;

Loss of revenue	\$850.00
Locks and rekeying	173.00
Remediation of clogged burner	84.00
Filing Fees for the cost of this application	50.00
Less Security Deposit	-850.00
Total Monetary Award to landlord	\$407.00

Conclusion

I order that the landlord retain the deposit of \$850 in partial satisfaction of the claim and **I grant** the landlord an Order under Section 67 of the Act for the balance due of **\$407**. 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: November 23, 2011

Residential Tenancy Branch