



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. The landlord, an agent for the landlord and the tenant participated in the teleconference hearing.

At the outset of the hearing the tenant stated that he had already vacated the rental unit. Accordingly, I dismissed the portion of the landlord's application regarding an order of possession.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The testimony of the landlord was as follows. The tenancy began on June 1, 2011 as a one-year fixed-term tenancy. Rent in the amount of \$850 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 \$425. The tenant failed to pay rent in the months of September and October 2011. The tenant moved out without giving any notice or letting the landlord know. As soon as the landlord became aware that the tenant had moved out, they began advertising to re-rent. The landlord was able to re-rent the unit for December 1, 2011. The landlord has claimed unpaid rent and lost revenue for September, October and November 2011. The landlord did not submit any documentary evidence to support their application.

The tenant's response was as follows. The tenant paid rent for September 2011. He acknowledged that he did not pay rent for October 2011. The landlord cashed the tenant's rent cheque for November 2011.

Analysis

I find that the landlord is only entitled to unpaid rent for October 2011. The landlord did not provide any documentary evidence, such as the tenancy agreement, the notice to end tenancy for unpaid rent, or any ledger or statement of account for rent paid. The tenant acknowledged that he did not pay rent for October 2011.

As their application was only partially successful, I find the landlord is not entitled to recovery of the filing fee for the cost of their application.

Conclusion

The landlord is entitled to \$850. I order that the landlord retain the security deposit of \$425 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$425. 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 21, 2011.

Residential Tenancy Branch