



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR 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. An agent for the landlord and both tenants participated in the teleconference hearing.

At the outset of the hearing, the parties verified that the tenants had moved out of 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 tenancy began on December 1, 2009. Rent in the amount of \$760 was payable in advance on the first day of each month. The tenants paid the landlord a security deposit of \$380, as well as a \$60 deposit for access cards and a \$50 deposit for the parking gate remote control. On October 15, 2011 the tenants gave written notice that they would vacate the rental unit by October 31, 2011. The tenants moved out on October 26, 2011.

The landlord has claimed \$760 for lost revenue for November 2011 and \$73 for carpet cleaning. The tenants agreed on October 26, 2011 that the landlord could keep the security deposit and key deposits in partial compensation of November 2011 rent. The landlord stated that the day after receiving the tenants' notice to vacate, the landlord began advertising to re-rent. The landlord was unable to re-rent the unit for November 2011.

The tenants' response was that one of the two tenants had already moved out, and the other tenant could not afford the rent on her own.

### Analysis

I find that the landlord is entitled to lost revenue of \$760 for November 2011 and \$73 for carpet cleaning. The tenants gave late notice, and the landlord took reasonable steps to re-rent the unit as soon as possible but was unable to re-rent for November 2011. The tenancy was nearly two years long, and in tenancies more than one year in length the tenants are generally expected to have the carpets professionally cleaned at the end of the tenancy.

As the landlord's application was successful, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

### Conclusion

After deducting \$490 for the security, access and remote deposits, which the tenants agreed that the landlord may retain, the landlord is entitled to \$393. I grant the landlord an order under section 67 for the balance due of \$393. 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: December 6, 2011.

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Residential Tenancy Branch