



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, MNSD

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on November 10, 2011; however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$4081.85, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit of \$1000.00 towards this claim.

Background and Evidence

The applicant testified that:

- The tenants signed a fixed term tenancy agreement with an expiry date of June 30, 2012.

- The tenants October 2011 rent cheque was not honoured by the bank due to insufficient funds and therefore they were given a Notice to End Tenancy for non-payment of rent.
- The tenants did not vacate the rental unit until November 3, 2011 and he was unable to re-rent the unit for the full month of November 2011.
- The tenants also failed to pay their agreed upon portion of the utilities.

The applicant is therefore requesting an order as follows:

Rent outstanding for October 2011	\$2000.00
Lost rental revenue for November 2011	\$2000.00
Outstanding utilities	\$81.85
Filing fee	\$50.00
Total	\$4131.85

Analysis

It is my finding that the landlord has shown that the tenants failed to pay the October 2011 rent and therefore I allow that portion of the claim.

The applicant has also shown that he was unable to re-rent the unit in the month of November 2011 and therefore since the tenants were in a fixed term tenancy they are liable for that loss as well, and I allow that portion of the claim.

The applicant has also shown that there are outstanding utilities totalling \$81.85 which the tenants have failed to pay and I therefore allow that portion of the claim.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlords full claim of \$4131.85 and I therefore order that the landlord may retain the full security deposit of \$1000.00 and I have issued a monetary order in the amount of \$3131.85.

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: January 31, 2012.

Residential Tenancy Branch