



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

A substantial amount of documentary evidence, photo 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 March 15, 2012; 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 an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order in the amount of \$4200.00, a request for recovery of the \$50.00 filing fee, and a request to retain all or part of the pet deposit and security deposit towards the claim.

Background and Evidence

The applicant testified that:

- The tenants had failed to pay the February 2012 and March 2012 rent, and therefore on March 2, 2012 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenants failed to comply with the notice and therefore on March 15, 2012 she applied for dispute resolution.
- After receiving the notice of hearing, the tenants vacated the rental unit on March 23, 2012.
- The full February 2012 and March 2012 rent is still outstanding, and she has been unable to re-rent the unit for the month of April 2012 and therefore will likely lose the full rental revenue for that month as well.

The applicant is therefore requesting an order as follows:

February 2012 rent outstanding	\$1400.00
March 2012 rent outstanding	\$1400.00
April 2012 lost rental revenue	\$1400.00
Filing fee	\$50.00
Total	\$4250.00

Analysis

It is my finding that the landlord has shown that there is a total of \$2800.00 rent outstanding, and therefore I allow that portion of the claim.

I also allow the landlords claim for lost rental revenue for April 2012, as she has been unable to re-rent the unit and therefore will likely lose the full rental revenue for that month.

I also order recovery of the \$50.00 filing fee

Conclusion

I have allowed the landlords full claim of \$4250.00 and I therefore order that the landlord may retain the full security/pet deposit of \$1400.00 and have issued a monetary order in the amount of \$2850.00.

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: April 04, 2012.

Residential Tenancy Branch