



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MND, MNDC, FF

Introduction

This hearing concerns the landlord's application for a monetary order as compensation for damage to the unit, site or property / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing by way of registered mail, the tenant did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the package was ultimately returned to the landlord.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background / Evidence / Analysis

There is no written tenancy agreement in evidence for this tenancy which began approximately 2 ½ years ago. Monthly rent was \$750.00. While it appears that a security deposit may have been collected, the landlord's recollection is that at some stage during the tenancy he permitted the tenant to apply the security deposit to rent. There is no move-in condition inspection report in evidence.

A previous hearing was held in a dispute between these same parties on March 8, 2012, with a decision issued by that same date (file # 787810). That decision notes the landlord's testimony that the tenant vacated the unit on March 2, 2012, after agreeing that he would vacate the unit by February 29, 2012. In summary, the dispute resolution officer found that the landlord had established entitlement to loss of rental income for March 2012, in addition to recovery of the filing fee.

When the landlord filed his present application he sought compensation for loss of rental income for April 2012, as well as compensation for various cleaning and repairs. There is no move-out condition inspection report in evidence, and the landlord testified that some of the costs incurred vary from estimates provided in his application. Finally, the landlord informed me of his decision to withdraw his application for the present time.

Conclusion

Pursuant to the landlord's decision to withdraw his application for the time being, the application is hereby dismissed with leave to reapply.

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: May 22, 2012.

Residential Tenancy Branch