



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$6,130.00 and a request for recovery of the \$100.00 filing fee

Background and Evidence

The applicants testified that:

- They made an error on their original application, and are therefore asking for a lower amount as follows.
- At the end of April 2012 the tenant owed \$3530.00 in outstanding rent, less a \$25.00 payment, leaving a balance of \$3505.00.
- The tenant failed to pay any rent for the month of May 2012, or June 2012, and the tenant vacated the rental unit on June 2, 2012.

- They advertised the rental unit for rent as soon as possible, however were unable to rent it in the month of June 2012, and have found a tenant for July 1, 2012. They therefore lost the full rental revenue for the month of June 2012.

The applicants are therefore requesting an order as follows:

Rent outstanding to the end of April 2012	\$3505.00
Rent outstanding for May 2012	\$850.00
Lost rental revenue for June 2012	\$850.00
Filing fee	\$100.00
Total	\$5305.00

The respondent testified that:

- The only portion of the claim she is disputing is the request for lost rental revenue for June 2012.
- She does not think she should have to pay for June 2012, because she was out of the rental unit by June 2, 2012 and she moved quickly so the landlords would be able to get in and renovate the unit.
- She also believes that the unit was likely hard to re-rent because it was in poor condition and needed significant upgrading.
- She also gave the landlords permission to keep her full security deposit plus interest towards the outstanding amount, and therefore the claim should be lowered by that amount.

Analysis

The amount of rent outstanding to the end of April 2012 is not in dispute and therefore I allow the landlords claim for that \$3505.00.

I also allow the landlords claim for May 2012 rent of \$850.00 as this was never paid.

I also allow the landlords claim for lost rental revenue for the month of June 2012, because the tenant did not give the required one clear month notice to end the tenancy, and had she done so the landlords may have been able to rent the unit for June 1, 2012.

Further, the tenant did not move out of the rental unit until June 2, 2012, and therefore it's very unlikely that the unit would have been re-rented in the month of June 2012 anyway as most tenants would want occupancy on the beginning of the month.

The tenant has argued that the unit did not re-rent because it was in poor condition, however had the tenant given the proper Notice to End Tenancy, the landlords may have been able to start the upgrades earlier so that it was ready for June 1, 2012.

I also order recovery of the \$100.00 filing fee.

Conclusion

I have allowed the landlords full claim of \$5,305.00 and therefore since the tenant has already allowed the landlord to keep the full security deposit plus interest towards the claim I have issued a monetary order for the difference. Security deposit plus interest over that term of the tenancy comes to \$430.86 and therefore I have issued a monetary order in the amount of \$4874.14.

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: June 21, 2012.

Residential Tenancy Branch