



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for loss of income, unpaid rent, cost of cleaning and the filing fee. The landlord also applied to retain the security and pet deposits in partial satisfaction of her monetary claim. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Since the tenant moved out on May 23, 2012, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for loss of income, unpaid rent, cost of cleaning, filing fee and to retain the security and pet deposits.

Issues to be decided

Is the landlord entitled to a monetary order? Is the landlord entitled to retain the security and pet deposits?

Background and Evidence

The landlord testified that the tenancy started on September 15, 2011 for a fixed term of one year. The monthly rent was \$950.00 and was payable in advance on the first of each month. Prior to moving in, the tenant paid a security deposit in the amount of \$475.00 and a pet deposit of \$475.00.

On May 03, 2012, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent in the amount of \$2,230.00. The tenant did not dispute the notice and agreed that he owed the landlord this amount.

The landlord owns multiple rental units in this building complex and advertises online, on the radio and in the local newspapers for new tenants, on an ongoing basis. The landlord had three showings, but was unsuccessful in finding a tenant for June. A new tenant moved in on July 01, 2012.

A move out inspection was conducted in the presence of both parties and the tenant signed in agreement to a deduction of \$92.00 from his deposit, for the cost of cleaning.

Analysis

Based on the testimony of both parties, I find that the landlord has established a claim of \$2,230.00 for unpaid rent and \$92.00 for cleaning.

The fixed term tenancy ended when the tenant did not pay rent and received a ten day notice to end tenancy. Despite the landlord's attempts to find a new tenant, the landlord suffered a loss of income for the month of June 2012. I find that the landlord is entitled to recover this loss of income in the amount of \$950.00.

Over all, the landlord has established a total claim of \$2,322.00. Since the landlord has proven her case she is also entitled to the recovery of the filing fee. I order that the landlord retain the security and pet deposits of \$950.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$2,372.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$2,372.00**

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: June 26, 2012.

Residential Tenancy Branch