



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR; MNDC, MNSD; FF

Introduction

This is the Landlord's application for a Monetary Order for unpaid rent and compensation for damage or loss under the Act, regulation or tenancy agreement; to retain the security deposit in partial satisfaction of its monetary claim; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed to the Tenant, via registered mail, to the forwarding address provided by the Tenant on July 18, 2012. The Landlord provided a copy of the move-out Condition Inspection Report containing the Tenant's forwarding address along with a copy of the registered mail receipt and the tracking numbers in evidence. The Landlord's agent testified that the documents were returned to her "unclaimed", and stated that she also e-mailed the Tenant the documents.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents whether or not the recipient chooses to accept delivery. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

Issues to be Decided

- Is the Landlord entitled to a Monetary Order for loss of revenue for July, 2012, an unreturned FOB and set of keys?

Background and Evidence

The Landlord's agent gave the following testimony:

A copy of the tenancy agreement was provided in evidence. Monthly rent was \$1,275.00, due the first day of each month. The Tenant paid a security deposit in the amount of \$637.50 on November 1, 2011. This was a one year lease, commencing November 1, 2011 and ending October 31, 2012.

On June 10, 2012, the Tenant sent the Landlord an e-mail indicating that she was ending the tenancy early, and moved out of the rental unit on June 28, 2012. The Landlord was able to re-rent the rental unit effective August 1, 2012.

One full set of keys and a FOB were not returned to the Landlord. The Tenant gave written permission on the Condition Inspection report for the Landlord to retain the security deposit in partial payment for July, 2012 rent.

The Landlord provided a copy of a receipt for the \$75.00 cost of replacing the FOB. The Landlord's agent testified that the cost of replacing the set of keys was \$25.00. The Tenant agreed to the total cost of \$100.00 for these two items on the move-out Condition Inspection Report.

The Landlord's agent requested a monetary order calculated as follows:

Loss of revenue for July, 2012	\$1,275.00
Cost of replacing FOB and keys	\$100.00
Recovery of filing fee	<u>\$50.00</u>
Subtotal	\$1,425.00
Less security deposit set-off	<u>-\$637.50</u>
TOTAL	\$787.50

Analysis

Based on the Landlord's undisputed affirmed testimony and the documentary evidence provided, I find that the Landlord's agent has established a monetary claim for loss of revenue and replacement of the keys and FOB.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary award. No interest has accrued on the security deposit.

The Landlord has been successful in its application and is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

I hereby provide the Landlord a Monetary Order calculated as set out above, in the amount of \$787.50.

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of \$787.50 for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

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: September 10, 2012.

Residential Tenancy Branch