



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MND MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 8, 2012, the tenant did not participate in the conference call hearing.

At the outset of the hearing, the landlord stated that the tenant had moved out on or about November 30, 2012. I therefore dismissed the portion of the landlord's application regarding an order of possession.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on March 1, 2007. Rent in the amount of \$769 was payable in advance on the first day of each month. On February 13, 2007, the landlord collected a security deposit from the tenant in the amount of \$329. The tenant had failed to pay part of the rent for September 2012 or any of the rent for October 2012, and on October 4, 2012, the landlord served the tenant a notice to end tenancy for unpaid rent. The tenant did not pay the full amount of outstanding rent within five days of having received the notice. The tenant did not pay rent for November 2012, and he vacated the rental unit as of November 30, 2012. The landlord was unable to re-rent for December 2012 because the tenant had caused damages to the unit and the landlord had to carry out extensive repairs. The landlord has claimed unpaid rent, lost revenue and late fees totalling \$2830.

Analysis

Based on the landlord's undisputed evidence, I find they are entitled to their monetary claim for unpaid rent, lost revenue and the \$25 late fee for October 2012. The landlord is not entitled to late fees for November or December 2012, as the tenancy ended on the effective date of the notice to end tenancy, October 14, 2012, and any amount owing after that date became lost revenue rather than unpaid rent. Late fees are not applicable to lost revenue. The landlord is therefore entitled to a total claim of \$2780.

As the landlord's claim was mostly successful, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The landlord is entitled to \$2830. I order that the landlord retain the deposit and interest of \$338.35 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2491.65. This order may be filed in the Small Claims Court 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: January 2, 2013.

Residential Tenancy Branch