



# 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 for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that on November 14, 2012 they personally served the tenant with the application for dispute resolution and notice of hearing. I found that the tenant was served with notice of the hearing on November 14, 2012, and I proceeded to hear the landlord's application in the absence of the tenant.

At the outset of the hearing the landlord stated that the tenant vacated the rental unit on November 15 or 16, 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 a monetary order?

### Background and Evidence

The tenancy began on September 1, 2012. Rent in the amount of \$600 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$350. The tenant failed to pay rent in the month of November 2012 and on November 5, 2012 the landlord personally served the tenant with a notice to end tenancy for non-payment of rent.

The landlord became aware that the tenant had vacated on November 15 or 16, 2012. They needed to clean the rental unit, but not very much. Beginning in early December, the landlord started advertising the rental unit as available for January 1, 2013.

The landlord has claimed \$1200 in unpaid rent and lost revenue for November and December 2012.

### Analysis

I find that the landlord is entitled to \$600 in unpaid rent and lost revenue for November 2012. I am not satisfied that the landlord took sufficient steps to re-rent the unit as soon as possible, and they are therefore not entitled to lost revenue for December 2012.

As the landlord's application was only partially successful, I find they are not entitled to recovery of their \$50 filing fee.

### Conclusion

The landlord is entitled to \$600 in unpaid rent and lost revenue. I order that the landlord retain the security deposit of \$350 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$250. 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 4, 2013.

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Residential Tenancy Branch