



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNSD, MNR

Introduction

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

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed September 24, 2012 however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$1895.00 and a request for recovery of the \$50.00 filing fee. The applicant is also requesting an order to retain the full security deposit towards the claim.

Background and Evidence

The applicant testified that:

- The tenant moved out of the rental unit on July 29, 2012, without giving the required notice to end tenancy and as a result he lost the full August 2012 rent.
- At the end of the tenancy, the tenant also owed utilities totaling \$640.00.
- When the tenant vacated a curtain rod was missing and as a result had to be replaced.
- He is withdrawing his claim for \$25.00 for a fire extinguisher, as it has now been returned.
- There was a bike rack at the rental unit during the tenancy, however after the tenant vacated the bike rack was no longer there.

- The tenant also left numerous nail holes in the walls of the rental unit, and two large goals approximately 3" x 6" were she had had some unauthorized plumbing done.

The applicant is therefore requesting an order as follows:

August 2012 lost rental revenue	\$900.00
Missing curtain rod	\$30.00
Missing bike rack	\$100.00
Repairs to walls	\$200.00
Filing fee	\$50.00
Total	\$1920.00

Analysis

August 2012 lost rental revenue

In a previous dispute resolution hearing the Arbitrator made a finding that this tenancy was frustrated on June 10, 2012, and therefore ended on that date. It's my finding then that the tenant is no longer liable for any rent after June 10, 2012.

The claim for August 2012 lost rental revenue is therefore dismissed.

Outstanding utilities

The applicant is claiming that there is \$640.00 in outstanding utilities, however the applicant has supplied no copies of utility bills and therefore there is insufficient evidence for me to make a finding that there are utilities outstanding.

The claim for outstanding utilities is therefore also dismissed.

Missing curtain rod and bike rack, and damage to walls

The landlord claims that the end of the tenancy there was a curtain rod missing, a bike rack missing, and that there was significant damage to the walls of the rental unit; however the landlord did no move-in inspection report, and therefore I have no way of knowing a condition of the rental unit at the beginning of the tenancy.

Further, the landlord has supplied no evidence to show the alleged damages to the rental unit.

Also, the landlord testified that the bike rack was an outdoor bike rack, and therefore if it did go missing there is no way of knowing whether or not it was taken by the tenant, or some other individual.

It is my decision therefore that I also deny the claims for the missing items and the wall damage.

Conclusion

This application is dismissed in full without leave to reapply.

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: December 11, 2012.

Residential Tenancy Branch