



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, OPR, MNR, MNSD

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 testified that the respondent was served with notice of the hearing by registered mail it was mailed on December 21, 2012 however the respondent 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 an Order of Possession based on a notice to end tenancy for nonpayment of rent, a request for a Monetary Order in the amount of \$1650.00, and a request for recovery of the \$50.00 filing fee. The applicant has also requested an Order allowing her to keep the full security deposit towards the claim.

The applicant also filed an amended application, however she has been unable to locate the respondent to serve the amended application and therefore I will only proceed with the original application.

Background and Evidence

The applicant testified that:

- This tenancy began on April 1, 2012 with a monthly rent of \$825.00, payable on the first of each month.
- On April 23, 2012 the tenant paid a security deposit of \$400.00 and the pet deposit of \$100.00 for a total of \$500.00.
- The tenant failed to pay the December 2012 rent and therefore on December 10, 2012 a notice to end tenancy was sent by registered mail.
- She applied for dispute resolution on December 21, 2012 however she subsequently found the rental unit vacant on approximately December 23, 2012.

- She therefore no longer requires an Order of Possession, however she is still requesting an order for the outstanding rent for December 2012, and for lost rental revenue for the month of January 2013, as she has been unable to re-rent the unit to date.

Analysis

It is my finding that the landlord has shown that the tenant failed to pay the December 2012 rent of \$825.00, and I therefore allow the claim for that outstanding rent.

I also accept the landlord's testimony that she has been unable to re-rent the unit for the month of January 2013, and I therefore also allow her claim for loss rental revenue of \$825.00.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have allowed claim of \$1700.00 and I therefore order that the landlord may retain the full security/pet deposit of \$500.00, and I've issued a monetary order in the amount of \$1200.00.

As stated above, I did not proceed with the amended portion of this claim as the amended documents were not served on the tenant. The amended portion of this claim is therefore dismissed with 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: January 23, 2013

Residential Tenancy Branch

