



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his claim.

The landlord testified that the building manager served the tenant with the notice of hearing on November 14, 2012, in person. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent and the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on May 01, 2011. The monthly rent is \$1,195.00 payable on the first of each month. Prior to moving in, the tenant paid a security deposit of \$597.50.

The landlord stated that the tenant failed to pay rent for November 2012 and on November 09, 2012; the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice nor did she pay rent. The tenant moved out on November 19, 2012.

The landlord stated that he started advertising for a new renter as soon as he served the tenant with the ten day notice. The landlord stated that he had two showings in the month of November, but due to the condition of the unit he was unable to find a tenant for December. The landlord stated that he had to clean the unit and replace the carpet. A new tenant was found for January 15, 2013.

The landlord is claiming \$1,195.00 for unpaid rent for November, \$1,195.00 for loss of income for December 2012 and the filing fee of \$50.00.

Analysis

In the absence of evidence to the contrary, I find that the tenant did not pay rent for November and moved out on November 19, 2012 resulting in a loss of income for the month of December 2012. Therefore, I find that the landlord is entitled to rent and loss of income in the total amount of \$2,590.00. Since the landlord has proven his case, he is entitled to the recovery of the filing fee of \$50.00.

Overall the landlord has established a claim of \$2,640.00. I order that the landlord retain the security deposit of \$597.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$2,042.50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of **\$2,042.50**.

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: February 14, 2013

Residential Tenancy Branch

