



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sutton Group Medallion Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, FF

Introduction

This is an application filed by the Landlord for a monetary order for unpaid rent and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing and evidence package, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

The Landlord states that the Tenant entered into a signed tenancy agreement with the Landlord on November 15, 2012 as shown by the copy of the submitted signed tenancy agreement. The Tenancy was to begin on December 1, 2012 for a fixed term tenancy ending on November 30, 2013 for \$800.00 per month payable on the 1st of each month. A rent cheque was given to the Landlord by the Tenant for the 1st month (December) which was cashed by the Landlord. The \$400.00 security deposit was returned to the Tenant. The Landlord states that a condition inspection report for the move-in was completed with the Tenant on November 26, 2012 in which the keys were given to the Tenant to move in for December 1, 2012. The Tenant confirms this and states that he lived at the rental unit for two days. The Landlord states that the Tenant called on November 29, 2012 stating that he was not staying there because the sink leaked, the toilet seat was loose and the mirror was not secure. The Tenant states that there were many more issues with the rental unit that he felt were safety concerns for his continued occupancy. The Landlord stated that these were all minor maintenance repairs that could be addressed quickly. The Landlord states that the December rent cheque was

cashied on December 1, 2012 and seeks an order to keep the \$800.00 for loss of rental income. The Landlord states that efforts were made to mitigate December rent losses by re-advertising the unit for rent, but that efforts were unsuccessful and the unit was not re-rented until January 1, 2013.

I find that the Landlord has established a claim to retain the December rent of \$800.00 for loss of rental income. The Tenant has stated in his direct testimony that there were many more issues regarding the Tenancy, but was unable to provide any evidence to support this claim. The Landlord states that the issues for which they were notified were addressed quickly. Further the Tenant failed to provide 1 months notice to end the tenancy. I order that the Landlord retain the \$800.00 as lost rental income.

The Landlord having been successful is entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$50.00.

Conclusion

The Landlord is allowed to retain the \$800.00 as lost rental income.
The Landlord is granted a monetary order for \$50.00.

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: March 08, 2013

Residential Tenancy Branch

