



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNDC, MNR, MNSD, FF

### 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 on February 5, 2013; 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 an application for a monetary Order for \$3885.49, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit of \$562.50.

### Background and Evidence

The applicant testified that:

- This tenancy began on October 15 2010 as a fixed term tenancy with an expiry date of September 31, 2011.
- The monthly rent was set at \$1125.00, and the tenants paid a security deposit of \$562.50.
- The tenants moved out of the rental unit before the end of their lease, and without any notice, and they found the rental unit vacated on March 18, 2011.

- The tenants did not pay the March 2011 rent, and they left significant damages to the rental unit. As a result a substantial amount of cleaning and repairs was needed.
- Due to the need for repairs and cleaning they were unable to re-rent the unit until halfway through May of 2011.
- The tenants also failed to return any of the keys to the rental unit.
- They are therefore asking for a monetary Order as follows:

March 2011 rent outstanding	\$1125.00
April 2011 lost rental revenue	\$1125.00
May 2011 lost rental revenue	\$562.50
March 2011 late fee	\$25.00
April 2011 late fee	\$25.00
May 2011 late fee	\$25.00
Replace broken door	\$60.48
Replace keys and re-key locks cylinder	\$138.88
Landlords time spent arranging repairs	\$90.00
Labour costs for repairs	\$300.00
Carpet cleaning cost	\$110.88
General suite cleaning	\$344.96
Filing fee	\$50.00
Subtotal	\$3982.70
Less security deposit held	-\$562.50
Total Order requested	\$3420.20

### Analysis

I have reviewed the evidence provided by the landlords, and it's my finding that they have established the full reduced amount claimed.

The tenant signed a fixed term tenancy with an expiry date of September 1, 2011 and then vacated the rental unit well before that date and is my decision that they are liable for the loss rental revenue and late fees up until the unit was re-rented in mid-May.

It's also very obvious from the evidence provided that the rental unit was left in need of significant cleaning and repairs, and I therefore also allow the full amount claimed for cleaning and repairs. Some of the damage to this rental unit is so extensive that it was obviously willful damage.

The tenant also failed to return the keys to the rental unit and as a result the landlord had extra costs for rekeying and replacing keys and I also allow that portion of the claim.

I also order recovery of the filing fee.

### Conclusion

I have allowed the landlords full reduced claim and order the landlords may retain the full security deposit of \$562.50 and I have issued an Order for the respondent to pay \$3420.20 to the applicant's.

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: April 25, 2013

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Residential Tenancy Branch

