



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNC, MNDC, MNR, MNSD, FF

Introduction

Some documentary 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(s) were served with notice of the hearing by registered mail that was mailed on February 6, 2013; 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 \$5,000.00, and a request for recovery of the \$50.00 filing fee. The applicants are also requesting an order to retain the full security deposit of \$400.00 towards the claim.

Background and Evidence

The applicant testified that:

- This tenancy began on July 1, 2012 with a monthly rent of \$800.00, and a security deposit of \$400.00 was collected at the beginning of the tenancy.
- The tenants stopped paying the rent at the end of October 2012 and have paid no rent since then.
- The tenants were served with that 10 day Notice to End Tenancy and eventually were evicted on February 2, 2013 through an Order of Possession.

- The tenants did not return the keys for the rental unit, and as a result they had to have a locksmith open the unit for them.
- When they entered the rental unit they found the unit extremely damaged, and it will likely cost in excess of \$14,000 to repair the damages.
- As a result of the need for repairs, they have also lost the rental revenue for the months of March 2013 and April 2013.
- They are therefore requesting a Monetary Order as follows:

November 2012 rent outstanding	\$800.00
December 2012 rent outstanding	\$800.00
January 2013 rent outstanding	\$800.00
February 2013 rent outstanding	\$800.00
Locksmith charge	\$201.72
March 2013 lost rental revenue	\$800.00
April 2013 lost rental revenue	\$800.00
Filing fee	\$50.00
Total	\$5051.72

They have reduced the claim to \$5,000.00 plus the filing fee.

Analysis

It is my finding that the applicants have established the full amount claimed.

The tenants lived in the rental unit and failed to pay rent for the months of November 2012 through February 2013, and although they attempted to get a rent reduction in a previous hearing, that request was dismissed.

Therefore the tenants owe the full rent for the months of November 2012 through February 2013.

I also accept the landlord's testimony that the tenants did not return the proper keys to the rental unit and therefore I also allow the claim for the locksmith charge.

The landlords have been unable to re-rent the unit, and since the tenants were in a one year fixed term tenancy, it's my finding that they are liable for lost rental revenue for the months of March 2013 and April 2013 as well.

I also allow the request for recovery of the filing fee.

Conclusion

I have allowed the landlords full claim of \$5,050.00, and I therefore order that the landlord may retain the full security deposit of \$400.00, and I have issued a Monetary Order in the amount of \$4650.00.

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: April 29, 2013

Residential Tenancy Branch

