



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service on May 16, 2013, the tenant did not appear.

At the beginning of the hearing the landlord advised that the tenant had moved out of the rental unit and returned the keys so an order of possession was not required.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

Background and Evidence

This month-to-month tenancy commenced February 1, 2013. The monthly rent of \$1500.00 was due on the first day of the month. The tenant paid a security deposit of \$750.00.

The tenant paid the February and March rent but has not paid anything since.

On April 15, 2013, the landlord issued and served a 1 Month Notice to End Tenancy for Cause. On the same date the parties signed an agreement wherein the tenant agreed to move out of the rental unit by May 15, 2013. In fact, the tenant did not move out of the rental unit until June 2. When the tenant did not move out as promised the landlord filed this application for dispute resolution.

The landlord testified that he has been advertising the unit for rent but as of the date of the hearing had been unsuccessful.

Analysis

I find that the tenant is responsible for the April and May rent in the total amount of \$3000.00.

I also find that the tenant is responsible for the landlord's loss of rental income for June in the amount of \$1500.00. The landlord could not start advertising the unit for rent until the tenant had actually moved. The possibility of finding a qualified tenant before July 1, on such short notice, is highly unlikely.

Conclusion

I find that the landlord has established a total monetary claim of \$4550.00 comprised of arrears of rent for April and May in the amount of \$3000.00; loss of rental income for June in the amount of \$1500.00; and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit of \$750.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$3800.00. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that court.

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: June 25, 2013

Residential Tenancy Branch