



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened to deal with two applications for dispute resolution, one brought by the tenants, and one brought by the landlord; however the tenants did not appear at today's hearing and therefore I have dealt with the landlords application, and the tenants application is dismissed.

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 landlord's agent the opportunity to testify at the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order of \$1955.00?

Background and Evidence

The landlord's daughter testified that:

- The tenants did not give the required one month Notice to End Tenancy, giving notice on March 24, 2013, and vacating on March 26, 2013.
- They attempted to re-rent the unit for the month of April, however due to the short notice they were unable to do so and lost the full rental revenue for the month of April.
- The tenants also failed to return the keys to the rental unit and therefore they had to re-key the locks.

- The tenants also destroyed the carpets in the rental unit with numerous cigarette burns and torn sections and as a result the carpets, which were new in 2009, had to be replaced.
- They have a previous order for \$460.00 against the tenants, which the tenants have failed to pay as we have not been able to serve it on them.

The landlords are therefore requesting a Monetary Order as follows:

April 2013 lost rental revenue	\$925.00
Re-key locks	\$20.00
50% of the carpet replacement cost	\$550.00
Previous order for outstanding March rent	\$460.00
Filing fee	\$50.00
Total	\$2005.00

Analysis

Is my decision that I will allow the claim for loss rental revenue for the month of April 2013, because the tenants failed to give the required one clear month Notice to End Tenancy and as a result the landlords were unable to re-rent the unit for that month.

I also allow the claim for rekeying the locks, as I accept the landlord's testimony that the tenants failed to return the keys.

I have reviewed the photo evidence, and it's very obvious that the carpets in the rental unit were damaged beyond repair and I therefore allow the landlords reasonable claim for 50% of the replacement cost of those carpets.

The landlords already have an order from a Residential Tenancy Branch Arbitrator for the March 2013 rent of \$460.00, and therefore I will not be issuing another order for this rent.

I will allow recovery of the filing fee however.

Therefore the total amount of the landlord's claim that I have allowed is as follows:

April 2013 lost rental revenue	\$925.00
Re-key locks	\$20.00
50% of carpet replacement cost	\$550.00
Filing fee	\$50.00
Total	\$1545.00

Conclusion

Tenant's application

The tenant's application is dismissed in full without leave to reapply.

Landlord's application

I have allowed \$1545.00 of the landlords claim and I therefore order that the landlords may retain the full security deposit of \$462.50, and I've issued a Monetary Order in the amount of \$1082.50.

The remainder of the landlords claim is dismissed without leave to reapply.

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 20, 2013

Residential Tenancy Branch