



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNR, MNSD, O, FF

Introduction

This is an application for a Monetary Order for \$1400.00, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit of \$650.00 towards the claim.

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(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on April 5, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

The respondents are deemed served five days after the documents were mailed.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the landlord established a monetary claim for loss rental revenue of \$1300.00, and cleaning cost of \$100.00?

Background and Evidence

The applicants testified that:

- This tenancy began on March 1, 2013 with the monthly rent of \$1300.00 and a security deposit of \$650.00 was paid.

- Shortly after the tenants moved into the rental unit they complained of a cat urine smell from one of the bedrooms.
- They therefore first attempted to have the carpets cleaned to eliminate the smell, however when that failed, they completely replaced the carpets.
- After the carpets were replaced there was no longer a urine smell in the bedroom, however the tenants complained that the smell still existed.
- They investigated the tenants claim that there was still a urine smell, however there is no longer a urine smell in the bedroom and in fact there could not be as the urine smelling carpet and underlay were completely removed and replaced with new carpet and underlay.
- On March 27, 2013 the tenants gave the notice that they would be vacating, and they vacated the rental unit on March 30, 2013.
- They listed the rental unit for rent as soon as possible however were unable to re-rent the unit until May 1, 2013 thereby losing the full rental revenue for the month of April 2013.
- The tenants also failed to clean the rental unit when they vacated and as a result they had to have a cleaner come in and do a thorough cleaning.

They are therefore requesting a Monetary Order as follows:

Lost rental revenue for April 2013	\$1300.00
Cleaning costs	\$100.00
Filing fee	\$50.00
Total	\$1450.00

They further requests an order allowing them to keep the full security deposit of \$650.00 towards this claim, and requested Monetary Order be issued for the difference.

Analysis

It is my finding that the tenants vacated this rental unit without giving the required one clear month Notice to End Tenancy, and the evidence does not support the claim put forward in their Notice to End Tenancy, that the landlord breached the tenancy agreement.

I therefore allow the landlords claim for the loss rental revenue for the month of April 2013.

I deny the claim for cleaning costs however because the landlords have supplied no supporting evidence to show that they paid cleaning costs.

I will allow the claim for recovery of the filing fee.

Conclusion

I have allowed \$1350.00 of the landlords claim and I therefore order that the landlords may retain the full security deposit of \$650.00 and I've issued a Monetary Order in the amount of \$700.00.

The remainder of this monetary 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 27, 2013

Residential Tenancy Branch