



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNSD, LAT, MNR, OPB, OPR

### Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlords. Both files were heard together.

The tenant's application is a request for a Monetary Order for \$550.00, a request for an order to authorize the tenant to change the locks, and a request for recovery of the \$50.00 filing fee; however the tenant did not appear at today's hearing and therefore her application has been dismissed.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$3050.00, and a request to retain the full security deposit towards the claim.

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 landlords the opportunity to testify at the hearing.

The landlords testified that the tenant was served with notice of the hearing by registered mail that was mailed on June 18, 2013 however the tenant did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has served with notice of the hearing.

Further the tenant was well aware of today's hearing, as she filed an application of her own and the hearing date and time was set for the same time.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order of \$3050.00?

Background and Evidence

The landlords testified that:

- This tenancy began on March 1, 2012 with the monthly rent of \$1200.00, and a security deposit of \$600.00 was collected on March 3, 2012.
- The tenant failed to pay the June 2013 rent and therefore on June 7, 2013 the tenant was served with a 10 day Notice to End Tenancy.
- The tenant failed to comply with the 10 day notice and therefore on June 18 they applied for dispute resolution.
- The tenant subsequently vacated the rental unit on July 4, 2013, however she paid no further rent.
- The tenant also left the rental unit in need of significant cleaning and repairs and as a result they spent over 64 hours of cleaning and repairs of the rental unit.

They are therefore requesting a Monetary Order as follows:

June 2013 rent outstanding	\$1200.00
July 2013 lost rental revenue	\$1200.00
64 hours of cleaning and repairs	\$600.00
Filing fee	\$50.00
Total	\$3050.00

Analysis

It's my finding that the landlord has shown that the tenants failed to pay the June 2013 rent of \$1200.00 and I therefore allow that portion of the claim.

It is also my finding that the tenants failed to vacate the rental unit until July 4, 2013 and as I find it unlikely that the unit will be re-rented at all in the month of July 2013, I also allow the claim for loss rental revenue of \$1200.00.

I also accept the landlord's testimony that they spent at least 64 hours doing cleaning and repairs at the rental unit and I therefore find their claim of \$600.00 for cleaning and repairs to be very reasonable, as it works out to less than \$10 an hour.

I also allow the request for recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlords full claim of \$3050.00 and I therefore order that the landlords may retain the full security deposit of \$600.00, and I've issued a Monetary Order in the amount of \$2450.00.

As stated previously the tenant's application 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: July 16, 2013

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Residential Tenancy Branch

