



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR 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 to retain the security deposit in partial satisfaction of the claim. At the outset of the hearing the landlord stated that the tenants had moved out of the rental unit. I therefore dismissed the portion of the landlord's application regarding an order of possession.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord provided evidence that on July 9, 2013 they served the tenants with the application for dispute resolution and notice of hearing by registered mail. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I find that the tenants are deemed served with notice of the hearing on July 14, 2013.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The tenancy began on February 1, 2013. Rent in the amount of \$1295 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$647.50. The tenants failed to pay rent in the month of July 2013 and on July 2, 2013 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of August 2013. The landlord stated that as soon as they were aware that the tenants had vacated the unit, on July 12, 2013, they began advertising to

re-rent. As of August 2, 2013 the unit had not re-rented. The landlord has applied for \$2590 in unpaid rent and lost revenue for July and August 2013.

### Analysis

Based on the landlord's evidence I find that that they have established a claim for \$1295 in unpaid rent for July 2013. At the time of the hearing, August 2, 2013, the rental unit had not re-rented. However, as it was very early in the month of August and the landlord may have been able to re-rent for most or part of August, I dismiss with leave to reapply the portion of the landlord's monetary claim for lost revenue for August 2013.

As the landlord's application partially successful, I find they are entitled to partial recovery of the security deposit, in the amount of \$25.

### Conclusion

The landlord is entitled to \$1320. I order that the landlord retain the security deposit of \$647.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$672.50. 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: August 15, 2013

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Residential Tenancy Branch