



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR, MNDC

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$3200.00, and a request to retain the full security/pet deposits towards the claim. The applicant is also requesting recovery of the \$50.00 filing fee.

The applicant testified that the respondent(s) were served with notice of the hearing by personal service on August 15, 2013, however the respondent(s) did not join the conference call that was set up for the hearing.

It is my finding that the respondent(s) have been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Initially the applicant had requested an Order of Possession, however the tenants vacated and return possession to the landlord.

The issue remaining therefore is whether or not the landlord has established a monetary claim in the amount of \$3200.00.

Background and Evidence

Landlord testified that:

- The tenants failed to pay the August 2013 rent and therefore on August 2, 2013 the tenants were personally served with a 10 day Notice to End Tenancy.

- The tenants did not comply with that notice and therefore on August 15, 2013 he applied for dispute resolution.
- The tenants subsequently vacated the rental unit on August 21, 2013; however they paid no further rent.
- They attempted to re-rent the unit for as soon as possible and were eventually able to rent the unit for September 15, 2013.
- They collected \$825.00 from the new tenants.
- They are therefore now requesting a reduced Monetary Order for the outstanding August 2013 rent of \$1575.00, and for loss rental revenue for September 2013 in the amount of \$750.00, for a total of \$2325.00.
- They are also requesting recovery of the \$50.00 filing fee.

Analysis

It is my finding that the tenants are liable for the outstanding rent for the month of August 2013 and for the loss rental revenue for September 2013.

The tenants breached the tenancy agreement by failing to pay the rent, and as a result of that breach the landlord has lost rental revenue totaling \$2325.00 and is my finding that the tenants are liable for that lost rental revenue.

I also allow the request for recovery of the filing fee.

Conclusion

I have allowed the landlords full reduced claim of \$2375.00 and I therefore order that the landlord may retain the full security/pet deposit of \$1575.00, and I've issued a Monetary Order in the amount of \$800.00.

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: September 25, 2013

Residential Tenancy Branch

