



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

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 \$3750.00, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit of \$625.00 towards the claim.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on August 28, 2013; however the respondent 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 been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

The applicant has withdrawn the request for an Order of Possession, because the respondent vacated the rental unit on September 30, 2013 and he now has possession.

The issue dealt with at today's hearing therefore is a request for a Monetary Order in the amount of \$3750.00.

Background and Evidence

The applicant testified that:

- This tenancy began on April 1, 2013 with the monthly rent of \$1250.00, and at that time a security deposit of \$625.00 was collected.
- The tenant failed to pay the August 2013 rent, and the September 2013 rent, and vacated September 30, 2013.
- He has been unable to re-rent the unit in the month of October 2013 because the rental unit has been left in very poor condition and will need of cleaning and repairs.
- He is therefore requesting a Monetary Order as follows:

August 2013 rent outstanding	\$1250.00
September 2013 rent outstanding	\$1250.00
October 2013 lost rental revenue	\$1250.00
Filing fee	\$50.00
Total	\$3800.00

Analysis

It is my finding that the applicant has shown that there is outstanding rent for both the months of August 2013 in September 2013 of \$1250.00 per month and I therefore allow that portion of the claim.

I also accept the landlord sworn testimony that the rental unit was left in need of cleaning and repairs and therefore he has been unable to re-rent it for the month of

October 2013. I therefore also allow the request for loss rental revenue for October 2013.

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

Conclusion

I have allowed the landlords full claim of \$3800.00 and I therefore order that the landlord may retain the full security deposit of \$625.00 and I've issued a Monetary Order in the amount of \$3175.00.

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: October 07, 2013

Residential Tenancy Branch

