



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, FF

Introduction

This is an application filed by the Landlord for a monetary order for unpaid rent/loss of rental income, for money owed or compensation for damage or loss and recovery of the filing fee. The Landlord also made a verbal request to offset any claims for the \$1,300.00 security deposit currently held in trust.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord states that the Tenant was personally served with the notice of hearing package and the submitted documentary evidence on October 3, 2013 with a witness. I accept the undisputed testimony that the Tenant was personally served with the notice of hearing package by the Landlord.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

This Tenancy began on May 1, 2012 on a fixed term tenancy ending on May 1, 2013 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The Landlord states that the Tenancy ended on December 31, 2012 after she received an email from the Tenant on December 28, 2012. The monthly rent was \$2,600.00 payable on the 1st of each month and a security deposit of \$1,300.00 was paid.

The Landlord seeks a monetary claim of \$3,485.00. This consists of the loss of rental income for January 2013 for insufficient notice for \$2,600.00 as the unit was not re-

rented until February 1, 2013. \$750.00 for the loss of rental income for the difference as the unit was re-rented at a lower rent by \$250.00 per month, \$85.00 for the replacement of a missing FOB and \$50.00 for dumping a dresser. The Landlord relies on page 2 of an addendum to the signed rental agreement for the replacement of FOBS and Keys. The Landlord also states that upon being notified she re-advertised the rental unit in early January 2013 for rent immediately, but was unsuccessful until a new tenant was found for February 1, 2013 at a reduced monthly rent.

Analysis

I accept the undisputed testimony of the Landlord and find on a balance of probabilities that a claim for loss of rental income and compensation for losses have occurred in the amount of \$3,485.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$1,300.00 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$2,235.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$2,235.00.
The Landlord may retain the security deposit.

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: November 13, 2013

Residential Tenancy Branch

