



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlords for a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim.

Preliminary Issue

The application for dispute resolution and notice of hearing was sent by registered mail and was not claimed by the addressee. The landlord testified that the rental unit is located in a small community. He is familiar with the tenant's motor vehicle and had observed it parked at this address on many occasions. Based on his observations he was of the opinion that the tenant was residing at this address.

Section 89(1)(c) of the *Residential Tenancy Act* allows an application for dispute resolution to be served on anyone by sending a copy by registered mail to the address at which the person resides. Based on the landlord's testimony I find that the tenant does reside at the address to which the registered mail was sent and I find that the application for dispute resolution and notice of hearing were properly served on the tenant.

Issue(s) to be Decided

Are the landlords entitled to a monetary order and, if so, in what amount?

Background and Evidence

This two year fixed term tenancy commenced June 1, 2012. The monthly rent of \$2100.00 was due on the first day of the month. The tenant paid a security deposit of \$1050.00.

The tenant moved out of the rental unit at the end of May, 2013, pursuant to a 10 Day Notice to End Tenancy for Non-Payment of Rent. The tenant had paid \$1000.00 towards the April rent and nothing for May bringing the arrears of rent at the end of May to \$3200.00.

The landlords were able to re-rent the unit as of June 16, 2013 for the same rent. The landlord claims loss of rental income for the first half of June in the amount of \$1050.00.

Analysis

I find that the landlords have established a total monetary claim of \$4300.00 comprised of arrears of rent in the amount of \$3200.00, loss of rental income in the amount of \$1050.00, and the filing fee of \$50.00 paid by the landlords for this application. I order that the landlords retain the security deposit of \$1050.00 in partial satisfaction of the claim and I grant the landlords an order under section 67 for the balance due of \$3250.00.

Conclusion

A monetary order in favour of the landlords has been made. If necessary, 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: December 10, 2013

Residential Tenancy Branch

