



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, MNSD, OPR

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 \$1815.00, and a request retain the full security deposit of \$407.50 towards the claim.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on December 23, 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

Is the applicant entitled to an Order of Possession?

Is the applicant entitled to a Monetary Order for \$1815.00?

Background and Evidence

The applicant testified that:

- The tenant vacated the rental unit on December 30, 2013 therefore she withdraws the application for an Order of Possession.
- The tenant however still failed to pay the December rent of \$870.00, and failed to pay the \$25.00 late fee.
- They have been attempting to re-rent the unit, however as yet have been unsuccessful and doubt that they'll be able to re-rent the unit now before the end of January 2014.

They are therefore requesting a Monetary Order as follows:

December 2013 rent outstanding	\$870.00
December 2013 late fee	\$25.00
January 2014 lost rental revenue	\$870.00
Filing fee	\$50.00
Total	\$1815.00

They also request an order allowing them to keep the full security deposit towards the claim.

Analysis

It's my finding that the applicant has shown the respondent failed to pay the December 2013 rent of \$870.00, and failed to comply with the Notice to End Tenancy within the required timeframe. As a result the landlord has been unable to re-rent the unit for the month of January 2014.

I therefore allow the landlord's claim for the outstanding December 2013 rent and late fee, but I also allow the request for lost rental revenue for January 2014.

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

Conclusion

I have allowed the landlord's full monetary claim of \$1815.00 and I therefore ordered that the landlord may retain the full security deposit of \$407.50 and then issued a Monetary Order in the amount of \$1407.50.

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: January 13, 2014

Residential Tenancy Branch

