



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 \$2150.00, and a request to retain the full security deposit of \$775.00 towards the claim.

The applicant testified that the respondent(s) were served with notice of the hearing by personal service on December 23, 2013; however the respondent(s) 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(s) have been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

The applicant withdrew the request for an Order of Possession because the respondents vacated on December 22, 2013 and she has possession of the rental unit.

The remaining issue therefore is whether or not the applicant has established a monetary claim in the amount of \$2150.00.

Background and Evidence

The applicant testified that:

- This tenancy began on September 1, 2013 with the monthly rent of \$1550.00, and the security deposit of \$775.00 was collected.
- The tenants fail to pay the full December 2013 rent, and subsequently vacated the rental unit on December 22, 2013 after receiving a Notice to End Tenancy.
- She has attempted to re-rent the unit but to date has been unable to do so.

She is therefore requesting a Monetary Order as follows:

December 2013 rent outstanding	\$550.00
January 2014 lost rental revenue	\$1550.00
Filing fee	\$50.00
Total	\$2150.00

She further requests an order allowing her to keep the full security deposit towards the claim.

Analysis

It's my finding that the applicant has shown that the tenants failed to pay \$550.00 of the December 2013 rent and therefore I allow that portion of the claim.

It is also my finding the applicant has been taking reasonable steps to attempt to re-rent the unit and has been unable to do so, and as I find it unlikely that the unit will be rented before the end of January 2014, I also allow the claim for lost rental revenue for January 2014.

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

Conclusion

I have allowed the applicant's full claim of \$2150.00 and I therefore Order that the applicant may retain the full security deposit of \$775.00 and I have issued a Monetary Order in the amount of \$1375.00.

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: January 13, 2014

Residential Tenancy Branch

