



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, MNDC

Introduction

This is an application for a monetary order for \$2317.21 and a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit towards the claim.

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on October 10, 2013; however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the applicant entitled to a monetary order of \$2317.21.

Background and Evidence

The applicant testified that:

- On July 18, 2013 the respondent signed a one year lease with a tenancy beginning August 1, 2013 and ending July 1, 2014.
- The monthly rent was set at \$1450.00 and a security deposit of \$725.00 was collected.
- On September 7, 2013 the tenants sent me an e-mail saying she was pregnant and wanted to move to her boyfriend's place.

- I told the tenant that I would start advertising the place for rent, however she would be responsible for the rent until it was re-rent it.
- Of September 26, 2013 the tenants sent another e-mail stating that she did not have enough money to pay the October 2013 rent.
- I attempted to deposit the October 2013 rent cheque, however the tenants had put a stop payment on the cheque, and he subsequently discovered that the tenant had vacated the rental unit sometime around the end of September 2013 or early October 2013.
- I was unable to re-rent the unit until November 2013 and therefore lost the full rental revenue of \$1450.00 for the month of October 2013.
- The tenant also failed to return the door keys, the garage FOB, the building FOB, the mailbox keys, and the parking pass.
- The tenant also failed to pay the strata move out fee.
- The tenant also left the rental unit in need of cleaning.
- He also had travel expenses from Burnaby to Chilliwack, five trips, to deal with cleaning, changing locks and re-renting the unit.

The applicant is therefore requesting a monetary order as follows:

October 2013 lost rental revenue	\$1450.00
New keys for door	\$10.92
New garage FOB	\$60.00
New building FOB	\$40.00
New mailbox keys	\$10.05
Strata move out fee	\$100.00
Replace parking pass	\$100.00
Clean apartment	\$40.00
Registered mail costs for dispute resolution package	\$11.24
Travel costs, five trips at \$99.00 per trip	\$495.00
Filing fee	\$50.00
Total	\$2367.21

Analysis

It is my finding that the landlord has established the majority of his claim.

I allow the claim for lost rental revenue for October 2013, because the tenant signed a one-year lease and failed to give proper notice to end the tenancy. As a result the landlord lost the full rental revenue for October 2013.

It's also my finding that the landlord has shown that the tenants failed to return the keys, the garage FOB, the building FOB, the mailbox keys, and the parking pass and I therefore allow those portions of the claim.

The tenants also failed to pay the move out fee charged by the strata and I therefore also allow that portion of the claim.

I also allow the landlords claim for cleaning as I find it to be a reasonable charge considering that the landlord has not claimed any labor the time spent changing the door locks in the mailbox lock.

I also deny the claim for registered mail costs as these are cost of the dispute resolution process and I have no authority to award costs other than the filing fee.

I also deny the landlords claim for traveling expenses as these are costs that the landlord would not have incurred had he not been an absentee landlord. These costs therefore cannot be passed on to the tenant.

Therefore the total amount of the landlord's claim that I have allowed is as follows:

October 2013 lost rental revenue	\$1450.00
New keys for door	\$10.92
New garage FOB	\$60.00
New building FOB	\$40.00
New keys for mailbox	\$10.05
Strata move out fee	\$100.00
Replace parking pass	\$100.00
Cleaning	\$40.00
Filing fee	\$50.00
Total	\$1860.97

Conclusion

I have allowed \$1860.97 of the landlords claim and I therefore order that the landlord may retain the full security deposit of \$725.00 and I have issued a monetary order in the amount of \$1135.97.

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 02, 2014

Residential Tenancy Branch

