



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Columbia Property Management Ltd.
and [tenant name suppressed to protect privacy]

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 \$3675.00, and a request for recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments have 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(s) were all served with notice of the hearing by registered mail that was mailed on November 27, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after mailing, and therefore it is my finding that the respondents have been properly served with notice of today's hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

The applicant had requested an Order of Possession, however the applicant has withdrawn that portion of the claim as the tenants have vacated and the applicant now has possession.

The remaining issue therefore is whether or not the landlord has established a monetary claim against the respondents and if so in what amount.

Background and Evidence

The applicant testified that:

- This tenancy began on January 1, 2013 with a monthly rent of \$1600.00.
- A security deposit of \$800.00 was collected on December 10, 2012.
- In the month of November 2013 the tenants failed to pay the full rent and left \$400.00 outstanding.
- On November 5, 2013 they serve the tenants with a 10 day Notice to End Tenancy.
- The tenants failed to comply with that notice within the required time frame and therefore on November 25, 2013 they applied for dispute resolution.
- The tenants subsequently vacated the rental unit around at December 21, 2013, however no further rent was ever paid.
- The rental unit was left in poor condition, and therefore they were unable to rent the unit for January 1, 2014, and are therefore requesting lost rental revenue for the first half of January 2014.
- They are no longer requesting an Order of Possession, as the tenants have vacated and they have possession, however they are requesting a reduced Monetary Order as follows:

November 2013 rent outstanding	\$400.00
December 2013 rent outstanding	\$1600.00
January 2014 lost rental revenue	\$800.00
November 2013 late fee	\$25.00
December 2013 late fee	\$25.00
Filing fee	\$50.00
Total	\$2900.00

They further request an Order allowing them to keep the full security deposit of \$800.00 towards the claim and request that a Monetary Order be issued for the difference.

Analysis

It is my finding that the applicant has shown that the tenants failed to pay rent in the amounts of \$400.00 for the month of November 2013 and \$1600.00 for the month of December 2013, and I therefore allow the claim for that outstanding rent and late fees.

It is also my finding that the landlord has shown that they were unable to re-rent the unit for the first half of January 2014 and I therefore allow the reduced claim for lost rental revenue.

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

Conclusion

As stated above the request for an Order of Possession has been withdrawn.

I have allowed the landlords full reduced monetary claim of \$2900.00, and I therefore order that the landlords may retain the full security deposit of \$800.00, and I have issued a Monetary Order in the amount of \$2100.00.

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 16, 2014

Residential Tenancy Branch

