



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD

Introduction

This is an application for a Monetary Order for \$1470.00, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit of \$367.50 towards the claim.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on January 3, 2014 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

Are the applicants entitled to a Monetary Order for outstanding rent and lost rental revenue totaling \$1470.00?

Background and Evidence

The applicants testified that:

- This tenancy began September 1, 2013 with the monthly rent of \$735.00, and a security deposit of \$367.50 was paid on August 17, 2013.
- The tenants failed to pay any rent for the month of October 2013 and on October 21, 2013 the tenants gave notice that they were vacating the rental unit.

- The tenants subsequently vacated the rental unit on October 31, 2013 without paying any further rent.
- They attempted to re-rent the unit for the month of November 2013, but were unable to do so.
- They are therefore requesting an order as follows:

October 2013 rent outstanding	\$735.00
November 2013 lost rental revenue	\$735.00
Filing fee	\$50.00
Total	\$1520.00

Analysis

It is my finding that the applicants have shown that the rent for this unit was \$735.00 per month and that the tenants failed to pay any rent for the month of October 2013.

It is also my finding that the tenants failed to give the one clear month Notice to End Tenancy required under Section 45(1) of the Residential Tenancy Act.

As a result of the tenant's failure to give the required notice it is also my finding that the landlords lost the full rental revenue for the month of November 2013.

I therefore allow the landlords full claim as requested above.

Conclusion

I have allowed the landlords full claim of \$1520.00 and I therefore order that the landlords may retain the full security deposit of \$367.50, and pursuant to section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$1152.50.

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: April 15, 2014

Residential Tenancy Branch

