



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR RR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy and a reduction in rent, and an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The tenant's application was therefore dismissed.

The landlord submitted evidence that he served the tenant with his application for dispute resolution and notice of hearing by registered mail sent on April 25, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on April 30, 2014, and I proceeded with hearing the landlord's application in the absence of the tenant.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

### Background and Evidence

The tenancy began on June 1, 2013. Rent in the amount of \$1095 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$550.

The landlord stated that the tenant failed to pay \$595 of his rent in April 2014, and on April 16, 2014 the landlord served the tenant with a notice to end tenancy for unpaid rent. The landlord stated that the tenant did not pay any further rent, and did not vacate the rental unit until June 1, 2014. The landlord stated that he did not advertise the unit to re-rent, as he decided instead to renovate the unit.

In support of his claim, the landlord submitted evidence including the following:

- a copy of the notice to end tenancy for unpaid rent dated April 16, 2014;
- testimony regarding the unpaid rent and the date that the tenant vacated; and
- a copy of the Landlord's Application for Dispute Resolution, filed April 25, 2014, in which the landlord claimed unpaid rent of \$595 for April 2014 and lost revenue of \$1095 for each of the months of May and June 2014.

### Analysis

I accept the landlord's evidence that the tenant failed to pay \$595 of the rent for April 2014, paid no rent for May 2014 and did not vacate the unit until June 1, 2014. I therefore find that the landlord is entitled to the amounts claimed for April and May 2014.

However, as the landlord chose to renovate the unit rather than take steps to re-rent it, I find that the landlord did not mitigate the lost revenue claimed for June 2014, and he is therefore not entitled to that amount.

As the landlord's application was mostly successful, I find that he is also entitled to recovery of the \$50 filing fee for the cost of this application.

### Conclusion

The tenant's application is dismissed.

The landlord is entitled to \$1740. I order that the landlord retain the security deposit of \$550 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1190. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: June 18, 2014

