



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FF, MNR, MND, MNSD & MNDC

### Introduction

A hearing was conducted by conference call in the presence of three representatives of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on each of the respondents by mailing, by registered mail to where the respondents reside on June 13, 2014. The landlord testified that she the Canada Post Tracking service indicates those documents were picked up on June 19, 2014. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The two respondents and a third tenant entered into a written tenancy agreement that provided that the tenancy would start on April 11, 2014 and continue on a month to month basis. The tenancy agreement provided that the tenant(s) would pay rent of \$1400 per month payable on the first day of each month. The third tenant paid a

security deposit and pet damage deposit totaling \$1050. The third tenant gave proper notice and the \$1050 less a cleaning charge has been returned to the third tenant. The respondents paid a security deposit of \$350 which the landlord holds.

The third tenant gave proper notice and vacated the rental unit at the end of May. The respondents gave the landlord notice on at the end of May they would be vacating at the end of June. The tenants abandoned the rental unit on June 2, 2014. The landlord was not able to rent the rental unit for June despite sufficiently attempting to mitigate its loss and has suffered a rental loss of \$1400 for that month.

#### Monetary Order and Cost of Filing fee

With respect to each of the landlord's claims I find as follows:

- a. I determined the landlord is entitled to \$1400 for loss of rent for the month of June as the respondents failed to give sufficient notice.
- b. I determined the landlord is entitled to \$131.63 for respondent's share of the cost of cleaning

**In summary I determined the landlord has established a monetary claim against the respondents in the sum of \$1531.63 plus the \$50 filing fee for a total of \$1581.63.**

#### Security Deposit

**I determined the security deposit paid by the respondents which is held by the landlord totals the sum of \$350. I determined the landlord is entitled to retain this sum. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1231.63.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: August 08, 2014

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Residential Tenancy Branch

