



# 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 a representative of the applicant and in the absence of the respondent 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 the Tenant by mailing, by registered mail to where the tenant resides on June 13, 2014. With respect to each of the applicant's claims I find as follows:

The Application for Dispute Resolution filed by the landlord on June 11, 2014 sought a monetary order in the sum of \$7252.32 being a claim for loss of rent and damages to the rental unit. The landlord subsequently discovered that the damages were more than originally anticipated and the monetary order worksheet sought a claim in the sum of \$10,225.36. However, the landlord failed to formally amend the Application for Dispute Resolution. In the circumstances I determined that it was appropriate to hear the landlord's claim for loss of rent, the NSF fee and late charges. I severed the other claims including the claims for damage to the rental unit and the cost of cleaning. The landlord has liberty to re-apply with respect to those claims.

### 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 parties entered into a fixed term written tenancy agreement that provided that the tenancy would start on August 1, 2013 and end on July 31, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$1890 per month payable on the first day of each month. The tenant paid a security deposit of \$945 on July 3, 2013.

The tenancy ended on April 22, 2014 after the tenant left the rental unit. He failed to pay the rent for April and the sum of \$1890 is owed. The landlord was not able to rent the rental unit for the month of May despite sufficiently attempting to mitigate its loss and suffered a rental loss of \$1890 for May. The landlord also seeks \$50 (\$25 each for April and May) for NSF charges and \$50 (\$25 each for April and May) for late charges for a total of \$100 as provided in the tenancy agreement.

### Monetary Order and Cost of Filing fee

I determined the landlord has established a claim against the tenant for non-payment of rent for April in the sum of \$1890. I further determined the landlord is entitled to \$1890 for loss of rent for May 2014. The fixed term tenancy was not set to expire until July 31, 2014. The landlord sufficiently attempted to mitigate its loss. Finally I determined the landlord is entitled to \$50 (\$25 each for April and May) for NSF charges and \$50 (\$25 each for April and May) for late charges for a total of \$100 as provided in the tenancy agreement.

**In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$3880 plus the \$50 filing fee for a total of \$3930.**

### Security Deposit

**I determined the security deposit plus interest totals the sum of \$945. 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 \$2985.**

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

