



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, RR, O, MNDC, MNR, MNSD, OPR

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord(s). Both files were scheduled to be heard together; however the applicant/tenant did not appear at the time and place scheduled for the hearing, and therefore the tenant's application was dismissed and the hearing dealt with the landlords application only.

Issue(s) to be Decided

The landlords had requested an Order of Possession, however prior to the hearing the tenant vacated the rental unit and the landlords now have possession and therefore they are now only requesting a Monetary Order.

The remaining issue therefore is whether or not the landlords have established a Monetary Order against the tenant, and if so in what amount.

Background and Evidence

The landlords testified that:

- The tenant moved into the rental unit on November 1, 2013 with the monthly rent of \$1022.00 and a security deposit of \$500.00 was paid on that date.
- The tenant failed to pay the June 2014 rent and therefore on June 2, 2014 the tenant was served with a 10 day Notice to End Tenancy.
- The tenant failed to comply with that notice and also failed to pay any rent for the month of July 2014.
- The tenant eventually vacated the rental unit without any notice, and they found the unit vacant on August 1, 2014.

- They have been unable to re-rent the unit for the month of August 2014 due to the poor condition in which it was left, and therefore they have also lost rental revenue for that month.
- As a result of the tenant's failure to pay the monthly rent, their mortgage payments went NSF for the months of June 2014, July 2014, and August 2014 and as a result they have had to pay bank charges of \$45.00 per month for a total of \$135.00.

They are therefore requesting a Monetary Order as follows:

June 2014 rent outstanding	\$1022.00
July 2014 rent outstanding	\$1022.00
August 2014 lost rental revenue	\$1022.00
June 2014 NSF mortgage fees	\$45.00
July 2014 NSF mortgage fees	\$45.00
August 2014 NSF mortgage fees	\$45.00
Filing fee	\$50.00
Total	\$3251.00

They also request an order allowing them to keep the full security deposit of \$500.00 towards this claim.

Analysis

It is my finding that the landlords have shown that the tenant failed to pay the rent for the months of June 2014, and July 2014 and therefore I allow that portion of the claim.

It is also my finding that the landlords have shown that the tenant left the rental unit in need of significant cleaning and repairs, and I therefore also allow the request for lost rental revenue for the month of August 2014.

I will not allow the landlords claim for NSF charges on their mortgage, as that is not a fee that is allowed under the Residential Tenancy Act. The landlord is however allowed to charge a fee of \$25.00 per NSF cheque, and therefore I will allow \$75.00 for NSF fees.

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

Therefore the total amount of the claim I have allowed is as follows:

June 2014 rent outstanding	\$1022.00
July 2014 rent outstanding	\$1022.00
August 2014 lost rental revenue	\$1022.00
June 2014 NSF fees	\$25.00
July 2014 NSF fees	\$25.00
August 2014 NSF fees	\$25.00
Filing fee	\$50.00
Total	\$3191.00

Conclusion

I have allowed \$3191.00 of the landlords claim, and therefore pursuant Section 38 of the Residential Tenancy Act I order that the landlords may retain the full security deposit of \$500.00 and pursuant Section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$2691.00.

The tenant's application is dismissed in full without leave to reapply.

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 18, 2014

Residential Tenancy Branch

