



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNSD MNDC FF

Introduction

This hearing dealt with 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 landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on June 24, 2014 and resent on July 14, 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 June 29, 2014 and July 19, 2014, and I proceeded with the hearing 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 May 25, 2014. The tenancy agreement indicates the monthly rent is \$875; however, in June 2014 the landlord reduced the rent to \$775. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$437.50. The tenant overpaid the pro-rated rent for May 25 to May 31, 2014 by \$4.50, which the landlord credited toward June 2014 rent. The tenant did not pay rent for June 2014, and the landlord served the tenant with a 10 day notice to end tenancy for unpaid rent. On June 17, 2014 the tenant vacated the rental unit. The landlord stated that they began advertising to re-rent the unit on July 11, 2014. The landlord has claimed unpaid rent and lost revenue for June and July 2014 in the amount of \$1545.50.

In support of their claim, the landlord submitted evidence including the tenancy agreement, a copy of the notice to end tenancy and a copy of the tenant's note confirming that he moved out on June 17, 2014.

Analysis

I find that the landlord is entitled to unpaid rent of \$770.50 for June 2014. The landlord did not take reasonable steps to re-rent the unit as soon as possible, given that they served the tenant with a notice to end tenancy on June 7, 2014 but they did not begin advertising the unit to re-rent until July 11, 2014, and I therefore find that the landlord is not entitled to lost revenue for July 2014.

As the landlord's application was partially successful, they are entitled to recovery of the \$50 filing fee for the cost of this application.

Conclusion

The landlord is entitled to \$820.50. I order that the landlord retain the security deposit of \$437.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$383. 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: November 7, 2014

Residential Tenancy Branch

