



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Columbia Property Management Ltd.
and [tenant name suppressed to protect privacy]

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This matter dealt with an application by the landlord for an Order for Possession a Monetary Order for compensation for unpaid rent and loss of revenue , to recover the filing fee for this proceeding and to keep the tenants' security deposit in partial payment of those amounts. Only the landlord's agent attended the teleconference hearing. At the outset the landlord advised that the tenants had vacated the unit and accordingly the landlord was not requesting an Order for Possession.

Issues(s) to be Decided

Is the Landlord entitled to compensation for unpaid rent and loss of revenue and if so, how much?

Background and Evidence

The landlord's agent SJ testified that attempts were made to serve the tenants with copies of this application and the evidence on July 23, 2015 by registered mail. On both occasions the packages were returned as unclaimed. I therefore find that the tenants were deemed to have received the documents by July 28, 2015 and therefore that the tenants have been sufficiently served in accordance with the Act.

Based upon the evidence of SJ I find that this tenancy started on August 1, 2015 and ended on August 15, 2015 when the landlord discovered that the tenants had moved out notwithstanding that they had prearranged for a move out inspection on that day.

Rent was \$ 1,800.00 per month payable in advance on the 1st day of each month. The tenants paid a security deposit of \$ 900.0 and pet deposit of \$ 400.00 on August 15, 2014.

SJ testified that the tenants did not clean and many repairs were necessary in order to re-rent the unit. Those repairs were completed by September 15, 2015. The landlord is claiming for unpaid rent for July and August 2015 amounting to \$ 3,600.00 as well as loss of revenue for one half of September amounting to \$ 900.00 for a total claim of

\$ 4,500.00.

Analysis

I find based upon the evidence of the landlord and in absence of any evidence from the tenants that the landlord has proven a claim totalling \$ 4,500.00. As the landlord has been successful in this matter, I find pursuant to s. 72 of the Act that they are also entitled to recover the \$ 100.00 filing fee for this proceeding. I order the landlord pursuant to s. 38(4) of the Act to retain the tenants' security and pet deposit inclusive of interest amounting to \$ 1,300.00 in partial payment of the rent arrears. The landlord will receive a Monetary Order for the balance owing of \$ 3,300.00.

Calculation of Monetary Award

Rental Arrears (July, August, 2015)	\$ 3,600.00
Loss of revenue (1/2 September)	\$ 900.00
Filing Fees for the cost of this application	\$ 100.00
Less Security Deposit and interest	-\$ 900.00
Less Pet Deposit and interest	-\$ 400.00
Total Monetary Award	\$ 3,300.00

Conclusion

In summary I ordered that the respondents pay to the applicant the sum of \$ 4,500.00 in respect of this claim plus the sum of \$ 100.00 in respect of the filing fee for a total of \$ 4,600.00. I order that the landlord retain the security deposit amounting to \$ 900.00 and pet deposit of \$ 400.00 inclusive of interest. I grant the landlord a Monetary Order in the amount of **\$ 3,300.00** and a copy of it must be served on the tenants. If the amount is not paid, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of that Court. I dismissed all other claims.

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: September 29, 2015

Residential Tenancy Branch

