



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNSD 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 that the tenant received on May 21, 2015. I accepted the landlord's evidence regarding service of notice of the hearing, 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 1, 2013. Rent in the amount of \$1,200.00 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$600.00.

The landlord stated that on April 30, 2015 the tenant vacated the rental unit without notice. The landlord had to do cleaning and repairs, and they were therefore unable to re-rent the unit for May 2015. The landlord has claimed \$1,200.00 in lost revenue for May 2015; as well as \$180.00 for housecleaning; \$100.00 to repair a wall where the tenant had left bolts to mount a flat-screen TV and re-paint one room that the tenant had painted bright orange; and \$65.00 for a garden hose belonging to the landlord, which the tenant removed.

In support of their claim, the landlord submitted evidence including the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord on April 23, 2013, indicating a monthly rent of \$1,200.00 due on the first of each month and confirming that the tenant paid a security deposit of \$600.00;
- testimony regarding the tenant vacating without notice and the landlord's resulting losses; and
- a copy of the Landlord's Application for Dispute Resolution, filed May 15, 2015.

Analysis

I find that the landlord has established their claim. I accept the landlord's evidence that the tenant vacated the unit without notice and removed the landlord's garden hose, and the landlord had to do cleaning and repairs. I also accept the landlord's evidence that because the tenant moved without notice on April 30, 2015, the landlord was unable to re-rent the unit for May 2015.

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

Conclusion

The landlord is entitled to \$1,595.00. I order that the landlord retain the security deposit of \$600.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$995.00. 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 2, 2015

Residential Tenancy Branch

