



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This was an application by the landlord for a monetary order inclusive of the filing fee and to retain the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord participated in the hearing. The tenant did not attend although served with the application and Notice of Hearing sent by registered mail. The landlord provided proof of registered mail service inclusive of the tracking number and signature receipt indicating the tenant received the mail July 22, 2015. The hearing proceeded on the merits of the landlord's application.

Issue(s) to be Decided

Is the landlord entitled to a monetary order in the amount claimed?

Background and Evidence

The undisputed testimony and evidence of the landlord is that the tenancy started November 01, 2012 and ended July 03, 2015. Rent payable was \$1152.10 per month. At the outset of the tenancy the landlord collected a security deposit and pet damage deposit in the sum of \$700.00. The tenant provided Notice they were vacating the unit on June 06, 2015 by text message – which the landlord testified they accepted on the basis a friend of the tenant would occupy the unit as of July 2015. The tenant paid June 2015 rent but, however, did not fully vacate the unit until July 03, 2015. The new tenant started their tenancy on July 04, 2015 and paid pro-rated rent for July 2015. The landlord seeks loss of revenue for the first 3 days of July 2015. At the end of the tenancy the landlord conducted an inspection of the rental unit without the tenant. The landlord provided evidence the rental unit was left with some damage to the rental unit blinds and some damage to walls with requisite need for painting. The landlord provided photographs of the claimed damage and invoices for the replacement of the blinds and for remedial work to the walls. The landlord claims \$225.75 to replace broken blinds, and \$475.00 for remedial work top the walls and repainting.

Analysis

I accept the landlord's testimony and documentary evidence submitted as establishing that they incurred the amounts claimed and that they are entitled to compensation for replacement of blinds, remediation to walls and for loss of revenue for July 2105. The landlord is further entitled to recover the \$50.00 filing fee paid for their application. The deposits held by the landlord will be off-set from the award made herein.

Calculation for Monetary Order

Loss of revenue July 1-3, 2015 ($\$1152.10 \div 31 \times 3$)	\$ 111.49
Blinds	225.75
Wall remediation	475.00
Filing Fees for the cost of this application	50.00
<i>Less Security / Pet Deposits</i>	<i>-700.00</i>
Total Monetary Award to landlord	\$162.24

Conclusion

I Order that the landlord retain both deposits of \$700.00 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of **\$162.24**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: January 05, 2016

Residential Tenancy Branch