



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This is an application brought by the Landlord(s) requesting a monetary order in the amount of \$3075.00, and requesting recovery of their \$100.00 filing fee.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 21, 2016; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

The landlords testimony was taken under affirmation..

Issue(s) to be Decided

The issue is whether or not the applicants have established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicants testified that this tenancy began on January 24, 2016 with a monthly rent of \$1250.00 due on the first of each month.

The applicants further testified that the tenant failed to pay all but \$50.00 of the April 2016 rent, leaving a total of \$1200.00 outstanding.

The applicants further testified that the tenant paid no rent for the month of May 2016 and vacated the rental unit on May 18, 2016 after receiving a Notice to End Tenancy.

The applicants further testified that they were unable to re-rent the unit for the month of June 2016, and therefore lost the rental revenue for that month as well.

The applicants further testified that the tenant gave them written permission to retain the full security deposit of \$625.00 towards the outstanding rent.

The applicants are therefore requesting a monetary order as follows:

April 2016 rent outstanding	\$1200.00
May 2016 rent outstanding	\$1250.00
June 2016 lost rental revenue	\$1250.00
Filing fee	\$100.00
Subtotal	\$3800.00
\$-625.00 security deposit	\$-625.00
Total amount requested	\$3175.00

Analysis

I accept the landlord sworn testimony that the tenant failed to pay \$1200.00 of the April 2016 rent and the full \$1250.00 May 2016 rent, and I therefore allow that portion of the landlords claim.

I also accept the landlord sworn testimony that they were unable to re-rent the unit for the month of June 2016, and is my finding, therefore, that the tenant is also liable for that lost rental revenue of \$1250.00.

Having allowed the full amount claimed by the landlords I also allow the request for the \$100.00 filing fee.

Conclusion

Pursuant to section 67 of the Residential Tenancy Act, I have allowed the landlords full claim of \$3800.00, however since the tenant has already given the landlord's written permission to retain the full security deposit of \$625.00, I have issued a monetary order in the amount of \$3175.00.

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: December 12, 2016

Residential Tenancy Branch