



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNRL-S & FFL

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. A Monetary Order in the sum of \$850 for loss of rent.
- b. An Order to retain the security deposit.
- c. An Order to recover the cost of the filing fee.

The tenant(s) failed to appear at the scheduled start of the hearing which was 1:30 p.m. on December 19, 2019. The landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the scheduled start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was served on the tenant by mailing, by registered mail to where the Tenant resides on August 28, 2019. The documents were picked up by the tenant a few days later. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to A Monetary Order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start on April 15, 2019 and end on April 15, 2020 and become month to month after that. The rent is \$850 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$400 on March 25, 2019.

The tenant vacated the rental unit on August 1, 2019 without giving the landlord proper notice. The landlord sufficiently attempted to mitigate her loss. However, the new tenant did not take possession until September 1, 2019 and the landlord suffered a loss of rent of \$850 for August 2019. .

Analysis - Monetary Order and Cost of Filing fee

I determined the landlord is entitled to a monetary order in the sum of \$850 for loss of rent for August 2019.

I granted the landlord a monetary order in the sum of \$850 plus the sum of \$100 in respect of the filing fee for a total of \$950.

Security Deposit

I determined the security deposit plus interest totals the sum of \$400. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$550.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is final and binding on the 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: December 19, 2019

Residential Tenancy Branch