



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes MNR, FF, O

Introduction

This matter dealt with an application by the landlord for a monetary order for unpaid utilities and for compensation for loss of revenue.

Both parties appeared at the hearing, which was held via teleconference, and were afforded the opportunity to give affirmed testimony. I also advised both parties that I would consider their oral evidence as well as any written submissions they had submitted prior to the hearing, in reaching a decision.

At the commencement of the hearing, the landlord withdrew the request in relation to unpaid utilities.

Issues(s) to be Decided

Is the landlord entitled to a monetary order for loss of revenue, and if so in what amount?

Background and Evidence

The landlord and tenant entered in to a rental agreement in August 2007 for a one year term. Several months into the tenancy, the tenant gave the landlord written notice to end the tenancy and moved out in December of 2007.

The landlord has claimed loss of revenue for the remainder of the one year term of the tenancy agreement. The landlord's claim is based upon the claim that she could not re-rent the unit without strata permission and that her extended absence from the country made it all but impossible to deal with the matter.

Analysis

The landlord has a duty to make all efforts to mitigate their loss by re-renting the property as soon as possible. Whether the landlord in this case was able to do that is not a matter to be decided in this case.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

At the hearing the parties expressed a desire to reach a settlement of the matter and after some discussion an agreement was arrived at.

Conclusion

TEXT

The parties have agreed that the tenant will pay the landlord the sum of \$1000.00 in full and final settlement of all claims related to this application. The payment is to be made in full to the landlord no later than November 18, 2008.

I will make an order to that effect and in the event that the order is not complied with, the order may be filed with and enforced as an order of the Provincial Court of British Columbia.

As this is an agreed to settlement, I make no order in relation to the filing fee.

Dated: September 18, 2008

Dispute Resolution Officer