



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## Decision

**Dispute Codes:** MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with an application from the landlord for a monetary order as compensation for loss of rental income, the cost of utilities, liquidated damages, the filing fee for this application, and an order to retain the security deposit in partial satisfaction of the claim. Both parties participated in the hearing and each gave affirmed testimony.

### Issue to be Decided

- Whether the landlord is entitled to a monetary order under the Act

### Background and Evidence

While the tenant moved into the unit on October 15, 2008, pursuant to a written tenancy agreement the formal term of tenancy was from November 1, 2008 to April 30, 2009. Rent in the amount of \$1,400.00 was payable in advance on the first day of each month, and a security deposit of \$700.00 was collected on October 6, 2008.

As a follow-up to verbal notice, by letter dated December 7, 2008 the tenant informed the landlord of her intent to vacate the unit by the end of December 2008.

Subsequently, the landlord re-rented the unit effective February 1, 2009 with rent of \$1,200.00 per month.

### Analysis

The immediately relevant statutory provisions are set out in the Act as follows: section 44 **How a tenancy ends**; section 45 **Tenant's notice**; and section 52 **Form and content of notice to end tenancy**.

Based on the documentary evidence and testimony of the parties, I find the landlord has established a claim in the amount of \$2,637.95. This is comprised as follows:

\$1,400.00 (loss of rental income for January 2009);

\$111.20 (utilities, City of Kelowna: December 19 - 31, 2008 & January 1 - 31, 2009);

\$52.25 (Terasen Gas: January 1 – 31, 2009);

\$424.50 (liquidated damages, reduced from the amount of \$500.00 agreed to in the residential tenancy agreement);

\$600.00 (loss of rental income in the amount of \$200.00 for each of the months of February, March & April, 2009);

\$50.00 (the filing fee for this application).

Sub-total: \$2,637.95

I order that the landlord retain the security deposit of \$700.00 plus interest of \$2.50, and I grant the landlord a monetary order under section 67 of the Act for the balance due of \$1,935.45 (\$2,637.95 - \$702.50).

Pursuant to a tentative agreement reached between the parties during the hearing, the tenant will undertake to make four installment payments toward the above total, every other week commencing on or about March 20, 2009. The parties agree that between them by way of e-mail contact, the particulars of such payments will later be confirmed.

### **Conclusion**

I hereby grant the landlord a monetary order under section 67 of the Act for **\$1,935.45**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: March 11, 2009

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Dispute Resolution Officer