



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNR, MNDC, MNSD

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for a monetary Order for unpaid rent and utilities, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid utilities; for compensation for loss of revenue that resulted from the Tenants ending the fixed term tenancy early; and to keep all or part of the security deposit, pursuant to sections 38 and 67 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlord and the Tenants agree that this was a fixed term tenancy that began on September 01, 2008; that it was scheduled to end on August 31, 2009; that it did end on February 01, 2009; that the Tenants provided two months notice of their intent to end the tenancy; that the Tenants were required to pay monthly rent of \$2,700.00; and that the Tenants paid a security deposit of \$1,350.00 on, or about, July 15, 2008.

The Landlord stated that he was able to find new tenants for February 01, 2009 at a reduced monthly rent of \$1,837.50 for the first month and \$2,450.00 for the subsequent



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months. He is seeking compensation, in the amount of \$2,362.50, for the revenue he lost as a result of this fixed term tenancy ending early.

The Landlord is also seeking to recover \$429.00 in utilities that has not yet been paid. The Tenants do not dispute that they owe this amount in utilities.

At the hearing the Landlord and the Tenants indicated an interest in reaching a settlement to this dispute. The parties agreed that this dispute would be settled once the Tenants paid \$720.00 to the Landlord. The parties also agreed that the Landlord could retain the Tenants' security deposit plus interest.

In reaching this settlement the Tenants and the Landlord agreed that all matters relating to this tenancy are resolved, including compensation for rent, loss of revenue, and utilities.

Conclusion

Based on the mutual agreement reached by the parties at the hearing, I grant the Landlord a monetary Order for the amount of \$720.00. In the event that the Tenants have not voluntarily paid this amount to the Landlord, this Order may be served on the Tenants, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

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: May 05, 2009.

Dispute Resolution Officer