



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF, MND, MNDC, MNSD, MNR

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$883.76 and a request that the applicant be allowed to retain the full security deposit plus interest towards this claim.

Background and Evidence

The applicant testified that:

- The landlord and tenant came to a mutual agreement to end the tenancy before the end of the lease.
- The tenant signed an agreement to pay \$15.00 for cleaning, \$300.00 for lease breaking fee and the full rent of \$1095.00 for the month of April 2009.
- The landlord was able to re-rent the unit for mid-April and therefore is reducing the amount requested for April rent to the prorated amount of \$518.76.



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The landlord is therefore requesting an order for the following:

April rent prorated	\$518.76
Liquidated damages	\$300.00
Filing fee	\$50.00
Total	\$883.76

The landlord request that they be allowed to keep the full security deposit plus interest towards this claim and that a monetary order be issued for the balance.

The respondent testified that:

- She did agree to pay the above charges; however she moved out on March 23rd 2009 and therefore the unit could have been rented for April 1, 2009.
- She does not dispute the remainder of the claim.

Analysis

It is my decision that I will allow the full amount claimed by the landlord. The landlord did attempt to re-rent the unit for April 1, 2009 but was unable to do so; however she was able to re-rent the unit for the middle of April 2009.

The tenant is therefore liable for the reduced amount of lost revenue for the month of April 2009.

Conclusion

I have allowed the full claim of \$883.76. I therefore order that the landlord(s) may retain the full security deposit plus interest:



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\$550.22

I further Order that the Respondent(s) pay to the applicants the following amount:

\$333.54

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: July 16, 2009.

Dispute Resolution Officer

(Note: this decision was produced with the use of voice recognition software)