DECISION

Dispute Codes   MNSD, MNR, MND, FF

Introduction

This hearing involved cross Applications for Dispute Resolution.

The Landlord applied to keep the security deposit and for monetary compensation for loss of rent at the unit.

The Tenants applied for double the security deposit.

The Landlord appeared late at the hearing, and I note required operator assistance to enter the conference call. The Tenants did not appear.

I proceeded with the hearing and the Landlord provided affirmed testimony.

As the Tenants did not appear, their claim is dismissed without leave to reapply.

Issues(s) to be Decided

Is the Landlord entitled to compensation under the Act.

Background and Evidence

The Landlord's testimony was that the Tenants agreed to rent the subject unit in late May of 2009. The Tenants provided a security deposit of $675.00 on May 29, for the tenancy which was to begin July 1, 2009. The monthly rent was to be $1,350.00.

The Landlord testified that on June 5, 2009, the Tenants informed him they would not be renting the unit. They requested the return of the security deposit and did not move into the unit.

Analysis

Based on the foregoing, the affirmed testimony of the Landlord, and on a balance of probabilities, I find the Landlord suffered a loss due to the Tenants' failure to occupy the unit. However, I find there was insufficient evidence provided by the Landlord to prove he fully mitigated his losses.

Therefore, I allow the Landlord to retain the security deposit and award him his filing fee of $50.00.

Conclusion

The Tenants failed to appear to proceed with their Application, and therefore it is dismissed.

The Landlord may keep the security deposit to recover his loss of rental income, however, there was insufficient evidence to award him an entire months rent. He is awarded his filing fee.

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: August 24, 2009.

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Dispute Resolution Officer