



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNDC

MNSD

FF

Introduction

This Dispute Resolution hearing was set to deal with an Application by the landlord for a monetary order for loss of rent of \$1,410.00 due to the tenant's ending of the fixed term agreement prior to the expiry date.

Despite being served with the Notice of Hearing by registered mail sent on January 6, 2010 to the forwarding address supplied to the landlord by the tenant, the tenant did not appear.

Issue(s) to be Decided

The landlord was seeking a monetary order for a loss of rent for the month of April 2010 during which the unit was vacant. The issues to be determined based on the testimony and the evidence is

- Whether the landlord is entitled to monetary compensation under section 67 of the *Act* for loss of rent.
- Whether the landlord can retain the security deposit in partial satisfaction of the claim.

Background and Evidence

The landlord testified that the fixed term tenancy began on March 17, 2009 and was to expire on March 31, 2010. The rent was \$900.00 per month and a security deposit of \$450.00 was paid. The landlord submitted into evidence a partial copy of the tenancy agreement.

The landlord testified that on April 2, 2010 the tenant vacated without giving adequate notice. The landlord was claiming loss of \$900.00 rent for the month of April. The landlord also intended to seek compensation for damages, but had not served the tenant and this issue was dismissed with leave to reapply at a later date.

Analysis

In regards to the landlord's claim for the loss of rent for April 2010, I note that section 7(a) of the Act permits one party to claim compensation from the other for costs that result from a failure to comply with this Act, the regulations or their tenancy agreement. Section 67 of the Act grants a dispute Resolution Officer the authority to determine the amount and to order payment under these circumstances.

I find that the landlord is entitled to be compensated in the amount of \$950.00 comprised of \$900.00 loss of rent and the \$50.00 cost of the application. I order that the landlord retain the \$450.00 security deposit in partial satisfaction of the claim leaving a balance due of \$500.00.

Conclusion

Based on the testimony and evidence presented during these proceedings, I grant the landlord a monetary order under section 67 of the *Act* for \$500.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

July 2010

Date of Decision

Dispute Resolution Officer