



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: *MNR*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act*, for a monetary order for the loss of income she incurred when the tenant broke a fixed term lease.

The notice of hearing was served on the tenant on April 22, 2010 by registered mail. The landlord provided a tracking number. Despite having been served with the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord had filed a prior application for dispute resolution which was heard on March 29, 2010. The Dispute Resolution Officer awarded the landlord with a monetary order in the amount of rent for the month of November 2009. At the hearing the landlord made a request for loss of income for December, but since the tenant had not been notified of the quantum of the amended claim, the Dispute Resolution Officer dismissed the landlord's claim with leave to reapply. Therefore this hearing dealt with the landlord's claim of \$1,500.00 which represents the loss of income she suffered for the month of December 2009.

Issues to be decided

Is the landlord entitled to a monetary order for loss of income for December 2009?

Background and Evidence

The fixed term tenancy began on April 01, 2009 with rent in the amount of \$ 1,500.00 due on the 1st day of each month. The fixed term was to end on April 30, 2010.

The tenant sent an email to the landlord on October 1, 2009 stating that she intended to end the tenancy on November 1 or November 15, 2009. The landlord testified that as soon as she received the notice she hired a property manager who began advertising by October 7th and placed a sign out in front of the unit by October 10, 2009. The tenants vacated the unit around November 16, 2009. The landlord testified that due to the holiday season, she was not able to re-rent the unit until January 15, 2010. The landlord testified that she had already been granted a monetary order for \$1,500.00 for November. The landlord is claiming \$1,500.00 for loss of revenue for December 2009.

Analysis

Section 7 of the *Residential Tenancy Act*, states that a claimant for damage or loss that results from the other's non-compliance with the *Act*, the regulations or the tenancy agreement must do whatever is reasonable to minimize the loss.

The landlord is claiming a loss of income for December 2009. The landlord made efforts to minimize her loss by advertising for a tenant and was successful in finding a tenant for January 15, 2010. Therefore I find that the landlord is entitled to \$1,500.00 which represents the loss she suffered.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$1,500.00**.

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 26, 2010.

Dispute Resolution Officer