



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

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

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on June 28, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is an application for a monetary order for \$4300.00 and a request that the respondent bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

Background and Evidence

The applicant testified that:

- The tenant did not give the required, one month Notice to End Tenancy, and also broke a fixed term tenancy agreement that rent to February 28, 2011.
- They immediately attempted to re-rent the unit and were successful for September 1, 2010.
- They have however still lost the full rental revenue for the months of July 2010 and August 2010.

The applicants are therefore requesting a reduced claim as follows:



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July 2010 lost revenue	\$500.00
Lease breaking fee/liquidated damages	\$300.00
Filing fee	\$50.00
Total	\$1350.00

Analysis

The landlords have shown that the tenant broke a lease, and failed to give proper Notice to End Tenancy and as a result the landlords lost the full rental revenue for the months of July 2010 and August 2000 and I therefore allow the claim for lost revenue.

The tenant also signed a tenancy agreement that had the liquidated damages clause of \$300.00 to cover the costs of re-renting the rental unit if the tenant vacated before the end of the term, and therefore I allow the claim for liquidated damages.

I also allow the claim for the filing fee that the landlords paid for their application for dispute resolution

Conclusion

I have allowed the landlords full reduced claim of \$1350.00; the landlords may therefore retain the full security deposit of \$250.00 and have issued a monetary order for \$1100.00.

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: November 09, 2010.

Dispute Resolution Officer