



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF MNDC MNR MNSD

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and recovery of the filing fee. Although served with the Application for Dispute Resolution and Notice of Hearing by way of registered mail sent on March 11, 2011, the tenant did not appear.

Issue(s) to be Decided

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on October 1, 2010 and was supposed to be for a fixed term ending on October 31, 2011. However, in December 2010 the tenant gave verbal notice that she was terminating the tenancy at the end of December due to a family emergency. The tenant gave the landlord written consent to retain her security deposit of \$1,050.00 and pet damage deposit of \$1,050.00 in satisfaction of her January rent. However, the landlord was unable to re-rent the unit until March 1, 2011 and therefore seeks to recover the rent for the month of February from the tenant.

Analysis

The landlord has made a monetary claim in the amount of \$2,100.00. The landlord makes this claim on the basis of the tenancy agreement wherein the tenant agreed to rent the unit for a period of one year ending on October 31, 2011. As stated above, the tenant gave notice that she was terminating the lease well ahead of the agreed termination date. As a result, the tenant remained bound by the terms of the agreement subject to only to the landlord's duty to mitigate.

Based on the testimony of Mr. G, I am satisfied that the landlord took all reasonable steps to re-rent the unit as quickly as possible and that due to the time of year he was

unable to re-rent it until March 2011. As a result, I am satisfied that the tenant remained liable for the rent for the month of February.

Conclusion

Based on the foregoing, I find that the landlord has established a monetary claim in the amount of \$2,150.00 comprised of \$2,100.00 in unpaid rent for February and the \$50.00 fee paid by the landlord for this application. I order that the tenant pay to the landlord the sum of \$2,150.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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*.