



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNSD

Introduction

A substantial amount of documentary evidence, photo 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 applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 14, 2011; however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$775.00 and for recovery of the \$50.00 filing fee. The applicant is also requesting an order allowing her to keep the full security deposit towards this claim.

Background and Evidence

The applicant testified that:

- On April 20, 2011 the respondent signed a one-year tenancy agreement and paid a \$400.00 security deposit.
- On April 26 the respondent verbally informed her that she would not be taking the rental unit, leaving her only five days before the tenancy was to begin.
- She attempted to re-rent the unit as soon as possible, however was unable to find a renter until June 1, 2011 and therefore lost the full rental revenue for the month of May 2011.

The applicant is therefore requesting an order that the tenant be held liable for the full lost rental revenue of \$775.00 plus recovery of the \$50.00 filing fee.

Analysis

Once the tenants signed a one-year tenancy agreement she was bound by the terms of that tenancy agreement and by the terms of the Residential Tenancy Act.

Since this was a one-year tenancy agreement, she did not have the right to end the tenancy prior to the end of that one-year term and if she does so she can be held liable for any lost rental revenue resulting.

In this case the tenant did end the tenancy without proper notice and prior to the end of the term and as a result the landlord did lose the rental revenue of \$775.00 for the month of May 2011.

Therefore it is my decision that the tenant is liable for the full \$775.00 lost rental revenue and I also allow recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlords full claim of \$825.00 and I therefore order that the landlord may retain the full security deposit of \$400.00 and I have issued a monetary order in the amount of \$425.00.

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: September 13, 2011.

Residential Tenancy Branch