



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord and both tenants participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on February 1, 2011 as a fixed-term tenancy to end on July 31, 2011. Rent in the amount of \$1000 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$500.

The tenants moved out in May 2011, and the landlord was not able to re-rent the unit until July 1, 2011.

Landlord's Evidence

As soon as the tenants gave notice that they were moving out, the landlord worked hard to find new tenants. The landlord submitted copies of Craigslist ads for the rental unit. The landlord has claimed \$1599.84, the rental amount calculated for 48 days from mid-May to June 30, 2011.

Tenants' Response

The tenants told the landlord at least one month before that they had to move out. The landlord told the tenants they would find new renters, and they had a lot of people coming through and looking at the unit. The tenants moved out on or about May 10, 2011, after doing all the cleaning.

Analysis

When a tenant enters into a fixed-term tenancy and vacates before the end of the fixed term, the tenant may be responsible for the landlord's lost revenue to the end of the fixed term. The landlord has a responsibility to take reasonable steps to re-rent the unit as soon as possible.

In this case, I find that the landlord took reasonable steps to attempt to re-rent the unit, but was unable to do so until July 31, 2011. I therefore find that the landlord is entitled to the lost revenue claimed of \$1599.84.

As the landlord's claim was successful, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The landlord is entitled to \$1649.84. I order that the landlord retain the security deposit of \$500 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1149.84. 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*.

Dated: December 1, 2011.

Residential Tenancy Branch