



# 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 hearing was first convened on January 16, 2012. The landlord and both tenants participated in the teleconference hearing on that date. The hearing was adjourned to allow the landlord to properly serve the tenants with the full hearing package and their evidence. The hearing reconvened on February 6, 2012. On that date, the landlord and one tenant participated in the teleconference hearing.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

### Background and Evidence

The tenancy began on April 1, 2011 as a fixed-term tenancy to end on April 1, 2012. The rental unit is located in a small, isolated community. Rent in the amount of \$1200 was payable in advance on the first day of each month. At the outset of the tenancy, the tenants paid the landlord a security deposit of \$250 and a pet deposit of \$600. The landlord and tenants carried out a move-in inspection at the outset of the tenancy.

The tenants moved out of the rental unit in late November 2011. The landlord was unable to contact the tenants to schedule out a move-out inspection with them.

The landlord advertised to re-rent the unit, but re-renting in the middle of winter in such a small community is difficult. The landlord stated in the hearing that she had secured a tenant beginning February 15, 2012. The landlord has claimed lost revenue for December 2011, January 2012 and the first half of February 2012, in the amount of \$3000.

The tenants' response was that early in the summer of 2011, the female tenant discovered she was pregnant. The community in which the rental unit is located does not provide medical services. The tenant's doctor recommended that the tenant move to a larger community. The tenants told the landlord in the summer of 2011 that they would have to move before the end of the fixed term.

### Analysis

Upon consideration of the evidence, I find as follows. The landlord is entitled to the amount claimed for lost revenue, in the amount of \$3000. The tenants entered into a fixed-term tenancy and were responsible for any lost revenue when the landlord was unable to re-rent the unit after the tenants vacated. I accept the landlord's testimony that she took reasonable steps to attempt to re-rent the unit.

As the landlord's claim was successful, she is also entitled to recovery of the \$50 filing fee for the cost of her application.

### Conclusion

The landlord is entitled to \$3050. I order that the landlord retain the security and pet deposits of \$850 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2200. 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: February 16, 2012.

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Residential Tenancy Branch