



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, 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. Despite having been served with the application for dispute resolution and notice of hearing sent via registered mail to the forwarding address they provided to the landlord, the tenants did not participate in the conference call hearing.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began on May 1, 2011 and was set to run for a fixed term ending on April 30, 2012. Rent was set at \$1,150.00 per month and the tenants paid a \$575.00 security deposit.

Late in 2011, the tenants gave the landlord notice that they did not like the rental unit and would be moving. The tenants did not pay rent in December 2011 and vacated the rental unit on December 19. The landlord began advertising immediately, on their own website, on Craigslist and in the local newspaper and despite reducing the rent for the unit, was unable to secure new tenants. At the hearing, the landlord advised that he had just entered into a tenancy agreement beginning on April 1 with new tenants.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants breached the fixed term tenancy agreement. I find that the landlord acted reasonably to mitigate his losses and I find that the tenants are liable for rent for the month of December and for the landlord's loss of income for the months of January – March inclusive. I award the landlord \$4,700.00 which represents \$4,600.00 in rent and lost income and the \$100.00 filing fee paid by the landlord to bring this application.

Conclusion

The landlord has been awarded \$4,700.00. I order the landlord to retain the \$575.00 security deposit in partial satisfaction of the claim and grant him an order under section 67 for the balance of \$4,125.00. This order may be filed in the Small Claims Division of the Provincial 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: March 05, 2012

Residential Tenancy Branch