



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      MNR, MNSD, MND, MNDC, FF

### **Introduction**

This hearing dealt with a landlord's application for and for a monetary order for liquidated damages and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the claim. The tenant did not attend the hearing.

### **Issues(s) to be Decided**

Was the tenant served the notice of hearing? Is the landlord entitled to a monetary order for liquidated damages and the filing fee?

### **Background and Evidence**

The tenancy started on October 01, 2011 for a fixed term of three months ending on December 31, 2011. The tenant moved out at the end of the fixed term.

The representative for the landlord was the newly hired manager. He stated that this application was made by the previous manager on January 13, 2012. There was no evidence filed with this application. The manager stated that he was not sure whether the tenant was served with the notice of hearing.

Even if the tenant was served with the notice of hearing, the tenant was in compliance with the fixed term of his lease and therefore the landlord's claim for liquidated damages is dismissed without leave to reapply. The landlord must bear the cost of filing this application.

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 21, 2012.

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Residential Tenancy Branch