



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

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

### **Introduction**

This hearing was convened in response to an application filed by the landlord seeking:

1. A monetary order for unpaid rent;
2. An order to be allowed to retain the security deposit; and
3. A monetary order to recover the filing fee paid for this application.

The tenant did not appear. The landlord gave evidence that he served the tenant with the Application for Dispute Resolution hearing package by way of registered mail. I am satisfied that the tenant was deemed served with the Application for Dispute Resolution.

The landlord gave evidence under oath.

### **Summary of Background**

The landlord testified that this tenancy began on or about November 1, 2010 for a fixed term ending October 31, 2011. The landlord testified that instead of vacating the rental unit at the end of the fixed term the tenant vacated on September 1, 2011. The landlord testified that he placed advertisements on Craig's List and that he is a realtor with connections he utilized to secure a new tenant but he was unable to re-rent the premises and they eventually sold the premises. The landlord is seeking recovery of the \$1,900.00 in rent for each of September and October 2011.

### **Analysis and Findings**

In absence of the tenant's evidence to the contrary I will rely on the landlord's evidence and find that the tenant vacated the rental property on or about September 1, 2011 without paying rent to the end of the fixed term. I find that the evidence shows the landlord attempted to mitigate his loss but was unable to secure a new tenant for September or October. I find that the landlord is entitled to recovery of this loss of rental income.

The landlord requests to be allowed to retain the security deposit in partial satisfaction of this claim and I will grant an order in that regard.

Having been successful in this application I also find that the landlord is entitled to recover the \$50.00 filing fee paid for this application.

### **Conclusion**

I will make an Order in favour of the landlord as follows:

Lost Rent	\$3,800.00
Less Security Deposit (no interest accrued)	-950.00
Total Monetary Award in favour of Landlord	\$2,900.00

The landlord is provided with a formal Order in the above terms. The tenant must be served with a copy of the order as soon as possible. This is a final and binding Order enforceable as any Order of the Provincial Court of British Columbia.

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: April 16, 2012.

---

Residential Tenancy Branch