



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, MNSD

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$4405.43

Decision and reasons

The applicant is claiming \$4405.43 for liquidated damages, lost rental revenue, and costs resulting from tenants breaking a fixed term tenancy agreement and vacating prior to the end of the fixed term.

The respondent argued however that the landlord is bound to a maximum of the liquidated damages amount of \$1550.00.

I questioned the landlord as to how they arrived at the \$1550.00 amount listed under liquidated damages and the landlords agent testified that the liquidated damages amount was to cover any possible lost rental revenue and any other costs that resulted if the tenants vacated prior to the end of the fixed term.

Therefore based on the landlords agent's testimony is my finding that the landlords are bound by the liquidated damages amount of \$1550.00 and may not charge anything further than that for any lost rental revenue or any other costs that resulted from the tenant's vacating prior to the end of the fixed term.

I will therefore only allow \$1550.00 of the landlords claim, and recovery of the \$50.00 filing fee.

At the hearing the applicant stated they also wish to deal with a claim for cleaning and damages to the property, however I am not willing to deal with that claim at today's hearing and the applicants will have to file a separate claim to deal with these issues.

Conclusion

I have allowed \$1600.00 of the landlords claim and I therefore order that the landlords may retain the full security deposit of \$775.00 and have issued a monetary order in the amount of \$825.00.

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: September 12, 2012.

Residential Tenancy Branch