



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order of possession. Despite having served the application for dispute resolution and notice of hearing on the tenant by sending those documents via registered mail to the tenant's forwarding address on October 17, the tenant did not participate in the conference call hearing.

At the hearing, the landlord advised that the tenant had vacated the rental unit prior to the time the application for dispute resolution was filed. As an order of possession is not required, I consider that claim to have been withdrawn.

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 tenant signed a tenancy agreement on May 24, 2012 at which time he paid a \$572.50 security deposit. The agreement required the tenant to pay monthly rent in the amount of \$1,145.00 and \$40.00 each month for parking. The tenant vacated the rental unit in early October and provided no written notice that he was vacating the unit. The landlord attempted to re-rent the unit but was unable to secure new tenants until November 1. The landlord seeks to recover lost income, including parking revenue, for the month of October.

Analysis

I accept the landlord's undisputed evidence and I find that the tenant failed to give the landlord one full month's written notice to end the tenancy as required under the Act. I find that the landlord acted reasonably to mitigate their losses and I find that the landlord is entitled to recover the \$1,145.00 in lost rental income and \$40.00 in lost

parking revenue. I further find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application for a total entitlement of \$1,235.00.

Conclusion

I award the landlord \$1,235.00. Although the landlord did not make an application for the return of the security deposit, the landlord asked that the deposit be applied to the award and pursuant to section 72(2)(b) of the Act, I order that the landlord retain the \$572.50 deposit in partial satisfaction of the claim. I grant the landlord a monetary order under section 67 for the balance of \$662.50. 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: November 19, 2012

Residential Tenancy Branch