



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, FF

### Introduction

This is an application filed by the Landlord for a monetary order for unpaid rent or utilities, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend and did not submit any documentary evidence. The Landlord states that both Tenants were served with the notice of hearing package by Canada Post Registered Mail on April 5, 2013. The Landlord has provided in his direct testimony the Canada Post Registered Mail Customer Receipt Tracking numbers as confirmation. The Landlord states that an online search of the tracking numbers show that the package sent to the Tenant, S.S. was returned unclaimed, but that the package sent to Tenant, A.E. was received and signed for. I accept the undisputed testimony of the Landlord and find that the Tenant A.E. was properly served with the notice of hearing package and the submitted documentary evidence. I also find that the Tenant, S.S. is deemed to have been properly served based upon the Canada Post online tracking information.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

### Background and Evidence

This Tenancy began on February 1, 2011 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$950.00 and a security deposit of \$475.00 was paid.

The Landlord seeks a monetary order of \$950.00 for loss of rent. The Landlord states that the Tenant provided notice to move out of the rental unit on March 11, 2013 by email to end the tenancy on March 31, 2013. The Landlord states that he immediately began advertising the unit for rent. The Landlord states that the Tenant over held the rental until April 11, 2013 when they vacated. The Landlord states that he was unable to re-rent the unit for April 2013. The Landlord has provided copies email exchanges with the Tenant which state that the Tenant refused to pay rent for April.

### Analysis

I accept the undisputed testimony of the Landlord and find that claim for loss of rental income of \$950.00 has been established. The Tenants failed to provide proper 1 month notice as opposed to the 30 day notice given on March 11, 2013. The Tenants are responsible for the April 2013 rent as the Landlord was unable to mitigate any possible losses by re-advertising the unit for rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$475.00 security deposit in partial satisfaction of the claim and I grant a monetary order for \$525.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

### Conclusion

The Landlord is granted a monetary order for \$525.00.  
The Landlord may retain the security deposit.

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: June 20, 2013

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Residential Tenancy Branch