



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on April 15, 2013, the tenants did not participate in the conference call hearing. The landlord gave affirmed evidence.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background, Evidence and Analysis

The landlord's undisputed testimony is as follows. The female listed in this matter was acting as agent for her nephew; the male tenant listed. The aunt paid a deposit of \$212.50 on March 21, 2013. The tenancy was to begin on April 1, 2013 with a monthly rent of \$425.00. The landlord received a call on March 28, 2013 from the aunt stating that she had changed her mind and no longer wanted the unit. The landlord advised the aunt that due to the late timing that he would attempt to rent the unit as quick as he could but may be seeking compensation if unsuccessful. The landlord stated that he advertised on the internet as well as the local paper in attempts to mitigate his loss. The landlord was not successful in renting the unit for the month of April. The landlord rented the unit for May 1, 2013. The landlord provided documentary evidence to support his claim. I am satisfied that the tenant did not provide the appropriate notice as required under the Act. I am satisfied that the landlord made all reasonable attempts to mitigate his loss and attempted to re-rent the unit as soon as reasonably possible. I find that the landlord is entitled to the loss of revenue for the month of April in the amount of \$425.00.

Conclusion

The landlord has established a claim for \$425.00 + \$50.00 filing fee = \$475.00. I order that the landlord retain the \$212.50 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$262.50. This order may be filed in the Small Claims 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: July 10, 2013

Residential Tenancy Branch