



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNR, MNSD, O, SS, FF

### Introduction

This is an application for a monetary order for \$5000.00 and a request for recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on April 25, 2013, to the address provided by the respondent at the end of the tenancy; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has served with notice of the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Is the applicant entitled to a monetary order for outstanding rent and lost rental revenue?

### Background and Evidence

The applicant testified that:

- This tenancy began on November 15, 2012 with a monthly rent of \$1500.00, and a \$750.00 security deposit was collected.
- The tenancy was for a fixed term of one year expiring November 15, 2013.
- The tenant subsequently vacated on April 15, 2013 breaching the tenancy agreement.
- He attempted to rent the unit for as soon as possible, but was unable to rent it until halfway through May 2013, and only at a reduced rent of \$1400 per month.
- He is therefore requesting a reduced monetary order as follows:

April 2013 lost rental revenue	\$750.00
May 2013 lost rental revenue	\$800.00
Lost rental revenue of \$100.00 per month for the months of June 2013 through October 2013	\$500.00
Lost rental revenue for November 2013	\$50.00
Filing fee	\$50.00
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Total	\$2150.00

### Analysis

It's my finding that the landlord has shown that the tenant signed a fixed term tenancy agreement that did not expire until November 15, 2013.

The tenant vacated the rental unit on April 15, 2013 prior to the end of the fixed term.

I also find that the landlord took reasonable steps to re-rent the unit, and it was reasonable to reduce the rent by \$100.00 per month to be able to re-rent the unit and mitigate any further loss.

It is also my finding that as a result of the tenant's actions the landlord has lost rental revenue as claimed above and I therefore allow the landlords full claim.

Conclusion

I have allowed the landlords full claim of \$2150.00 and I therefore order that the landlord may retain the full security deposit of \$750.00 and I've issued a monetary order in the amount of \$1400.00.

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: July 16, 2013

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Residential Tenancy Branch

