



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail actually received on July 2, 2013, the tenant did not appear.

The landlord advised that the tenant has moved out of the rental unit and an order of possession was not required.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

Background and Evidence

This fixed term tenancy commenced September 2, 2012 and was to end June 30, 2013. The monthly rent of \$550.00 was due on the first day of the month.

The tenant moved out of the rental unit on December 31, 2012. She sublet the unit from January 1, 2013 to April 14, 2013. The sub-tenancy ended April 14, 2013.

The landlords advertised the unit on Craig's List and through the building manager but were unsuccessful in finding a tenant for the balance of the term. They claim loss of rental income for the period of April 15, 2013 to June 31, 2013 in the amount of \$1375.00.

Analysis

A tenant who signs a fixed term tenancy agreement is responsible for the rent to the end of the term.

The landlord's claim is subject to her statutory duty pursuant to section 7(2) to do whatever is reasonable to minimize the damage or loss. I find that the landlord took reasonable steps to minimize the loss in this situation.

I find that the landlord has established a total monetary claim of \$1425.00 comprised of arrears of rent in the amount of \$1375.00 and the \$50.00 fee paid by the landlord for this application and I grant the landlord an order pursuant to section 67 in this amount.

Conclusion

A monetary order in favour of the landlord in the amount of \$1425.00 has been granted. If necessary 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: August 22, 2013

Residential Tenancy Branch

