



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hollyburn Estates Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND MNSD MNDC FF

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. The landlord attended the hearing but the tenants did not.

The landlord submitted evidence to establish that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on July 23, 2013. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on July 28, 2013, and I proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on December 1, 2011. Rent in the amount of \$1165 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$582.50.

The tenants gave notice on April 9, 2013 that they intended to vacate the rental unit on April 30, 2013. The landlord submitted evidence to establish that they immediately began advertising to re-rent the unit. On April 30, 2013 the landlord and the tenants carried out a move-out inspection. The tenants provided their forwarding address in writing at that time. The tenants also signed allowing the landlord to keep the security deposit. The tenants failed to return one of three fobs. The landlord was unable to re-

rent the unit for May 2013. The landlord has claimed \$1165 in lost revenue for May 2013, and \$28 for one fob.

Analysis

Upon consideration of the evidence, I find that the landlord has provided sufficient evidence to support their monetary claim. The tenants gave late notice, and therefore became potentially liable for the landlord's lost revenue for the following month. The landlord attempted to mitigate their loss by immediately advertising to re-rent the unit. The landlord was unable to re-rent the unit, and the tenants therefore became responsible for the lost revenue for May 2013, in the amount of \$1165. The landlord also provided sufficient evidence to support their claim for one replacement fob, at \$28.

As the landlord's claim was successful, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The landlord is entitled to \$1243. I order that the landlord retain the security deposit of \$582.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$660.50. 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: August 15, 2013

Residential Tenancy Branch