



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, MNDC, MNSD, FF

Introduction

This is an application filed by the Landlord for a monetary order for damage to the unit, site or property, for money owed or compensation for damage or loss, 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 or submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing package by Canada Post Registered Mail on May 9, 2013 and the Landlord's evidence on July 23, 2013. The Landlord has submitted copies of the Customer Receipt Tracking numbers for both packages sent to the Tenant as confirmation. I accept the undisputed evidence of the Landlord and find that the Tenant has been properly served.

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 December 1, 2012 on a fixed term tenancy ending after 12 months as shown by the submitted copy of the signed tenancy agreement. The Tenants vacated the rental unit on April 30, 2013. The monthly rent was \$995.00 payable on the 1st of each month and a security deposit of \$497.50 was paid. A condition inspection report for the move-in was completed on November 28, 2012 and move-out was completed on April 30, 2013. The Landlord received a notice to vacate from the Tenant on March 25, 2013 and the forwarding address in writing on April 30, 2013.

The Landlord seeks a monetary claim of \$1,990.00 for the loss of rental income for two months (May and June of 2013) of rent. The Landlord states that efforts were made to try and re-rent the unit with many postings for rent on craigslist and an online advertising service after the Tenant vacated the rental unit on April 30, 2013. The Landlord states that the unit was re-rented for July 1, 2013.

Analysis

I accept the undisputed evidence of the Landlord that the Tenant breached the 12 month fixed term tenancy on April 30, 2013. I find that the Landlord has made reasonable efforts to mitigate any possible losses by re-advertising the rental unit as early as April 3, 2013 over 13 postings until June 21, 2013. The rental unit was successful re-rented for July 1, 2013. The Landlord has established a monetary claim of \$1,990.00 for the loss of rental income for two months (May and June 2013). The Landlord is entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$497.50 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$1,542.50. 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 \$1,542.50.
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: August 07, 2013

Residential Tenancy Branch

