



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This is an application filed by the Landlord for a monetary order 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's Agent, H.R. attended the hearing by conference call and gave undisputed testimony through his translator, J.X. The Tenant did not attend or submit any documentary evidence. The Landlord stated that the Tenant was served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on May 16, 2013. The Landlord's Agent has submitted a copy of the Customer Receipt Tracking number as confirmation.

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 September 1, 2012 on a fixed term tenancy ending on August 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$850.00 payable on the 1st of each month and a security deposit of \$400.00 was paid on September 1, 2012.

The Landlord seeks a monetary claim for the loss of rental income of \$1,700.00 consisting of \$850.00 for May and \$850.00 for June of 2013. The Landlord states that efforts were made to re-rent the unit and has provided copies of craigslist ads showing that postings for rent were placed on April 30, May 4, May 7, May 9 and May 12 without

success. The Landlord states that the unit was re-rented on July 1, 2013 to new Tenants.

Analysis

I accept the undisputed testimony of the Landlord and find that the Landlord has established a monetary claim of \$1,700.00 for loss of rental income for May and June of 2013. The Landlord has shown that efforts were made to mitigate any possible losses by immediately trying to re-rent the unit without any success until July 1, 2013. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord may retain the \$400.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$1,350.00. 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 \$1,350.00.
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 14, 2013

Residential Tenancy Branch

