



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC

Introduction

There are applications filed by both parties. The Landlords seek a monetary claim for unpaid rent and loss of rental income. The Tenant seeks a monetary claim for money owed or compensation for damage or loss and the return of the security deposit.

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 on August 13, 2013 by Canada Post Registered Mail and on August 19, 2013 via Canada Post Registered Mail with the Landlord's documentary evidence. The Landlord has submitted copies of the Customer Receipt Tracking numbers for both packages. The Landlord stated that they were served with the Tenant's notice of hearing package and is aware of the Tenant's application. As such, I find that both parties have been properly served with the notice of hearing packages and the submitted documentary evidence.

At 12 minutes past the start of the hearing, the Tenant's application was dismissed without leave to reapply as the Tenant has not attended and the Landlord has in response.

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 February 13, 2012 on a fixed term tenancy ending on February 13, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$700.00 payable on the 1st of each month and a \$350.00 security deposit was paid.

The Landlord states that the Tenancy ended on March 30, 2012 after the Tenant failed to pay rent of \$350.00 for February 2012 and \$700.00 for March 2012. The Landlord also seeks \$700.00 for the loss of rental income for April 2012 as the Tenant failed to provide 1 months notice to vacate the rental unit on March 30, 2013. The Landlord stated in her direct testimony that the rental unit was advertised for rental when she was informed on March 27, 2013 and throughout April 2012 without any success of re-renting. The Landlord seeks a monetary claim for \$1,750.00 for unpaid rent (\$1,050.00) and the loss of rental income (\$700.00).

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant failed to pay rent of \$350.00 for February 2012 and \$700.00 for March 2012. I also find that the Tenant failed to provide proper 1 month notice to end the tenancy and that the Landlord made reasonable attempts at mitigating any possible losses by advertising the unit for rent as soon she was notified by the Tenant on March 27, 2013 prior to the Tenant vacating on March 30, 2012. The Landlord has established grounds for the loss of rental income of \$700.00. The Landlord has established a monetary claim for \$1,750.00. I order that the Landlord retain the \$350.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$1,400.00.

Conclusion

The Tenant's Application is dismissed without leave to reapply.
The Landlord is granted a monetary order for \$1,400.00.
The Landlord may retain the \$350.00 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: September 25, 2013

Residential Tenancy Branch

