



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding STRATA'S CHOICE PROPERTY MANAGEMENT LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

MNR, MNSD, FF

### **Introduction**

This hearing was convened in response to an application by the landlord for a monetary order for loss of revenue. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail the tenant did not appear. The landlord provided proof of mail registration.

### **Issue(s) to be Decided**

Is the landlord entitled to the monetary amount claimed?

### **Background and Evidence**

The tenancy ended May 31, 2013 when the tenant vacated. This fixed term tenancy commenced October 01, 2012 and was to end September 30, 2013. The monthly rent of \$825.00 was due on the first day of the month. At the outset of the tenancy the landlord collected a security deposit of \$412.50 which they retain in trust.

The tenant moved out of the rental unit on May 31, 2013. The landlord advertised the unit through their website, on Craigslist and Kijiji but were unsuccessful in finding a tenant for June 2013, but were successful for July 2013 and thereafter. They claim loss of rental income for the period of June 2013 in the amount of \$825.00.

### **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 their 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. As a result,

I find that the landlord has established a monetary claim of \$825.00 comprised of unpaid rent in the amount of \$825.00. I further find the landlord is entitled to recover their filing fee of \$50.00 for a total award of \$875.00. The security deposit will be offset from the award.

***Calculation for Monetary Order***

Rental Arrears	\$825.00
Filing Fees for the cost of this application	50.00
<i>Less Security Deposit</i>	<i>-412.50</i>
<b>Total Monetary Award</b>	<b>\$462.50</b>

**Conclusion**

**I Order** that the landlord retain the security deposit of \$412.50 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of **\$462.50**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

**This Decision is final and binding on both parties.**

*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 18, 2013

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Residential Tenancy Branch

