



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR 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 participated in the teleconference hearing but the tenant did not.

The landlord submitted evidence to establish that the tenant was served with the application for dispute resolution and notice of hearing by registered mail on July 8, 2013. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on July 13, 2013, and I proceeded with the hearing in the absence of the tenant.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

### Background and Evidence

The tenancy began on March 1, 2013 as a fixed term tenancy to end on September 1, 2013. Rent in the amount of \$2200 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 tenant in the amount of \$1100. On May 24, 2013 the tenant gave the landlord notice that she would be vacating the rental unit by July 1, 2013. The landlord stated that as soon as the tenant gave notice, the landlord began advertising the unit to re-rent. The landlord was able to re-rent the unit for July 15, 2013. The landlord has claimed \$1100 for the first half of July 2013.

### Analysis

Upon consideration of the evidence, I find that the landlord has established her claim of \$1100 for lost revenue. The tenant breached the fixed term, and the landlord was not able to re-rent the unit until July 15, 2013, despite reasonable efforts to minimize her loss.

As the landlord's claim was successful, she is also entitled to recovery of the \$50 filing fee for the cost of her application.

### Conclusion

The landlord is entitled to \$1150. I order that the landlord retain the security deposit of \$1100 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$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: October 11, 2013

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Residential Tenancy Branch

