



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, O, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and recovery of his filing fee. Despite having been served with the application for dispute resolution and notice of hearing served via registered mail sent on May 9 to the forwarding address provided by the tenant, the tenant did not participate in the conference call hearing.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenancy began on August 30, 2012 and was set to run for a fixed term ending on August 31, 2013. Rent was set at \$825.00 per month.

At the beginning of January 2013, the tenant advised the landlord that she would be ending the tenancy prematurely. The landlord immediately began advertising the rental unit and continued to advertise throughout the months of February and March. The landlord reduced the advertised rent to \$800.00 per month and was able to secure new tenants who moved in on April 1, 2013.

The landlord seeks to recover loss of income for the months of February and March and the \$25.00 difference in rent for each of the months of April – August inclusive as well as the \$50.00 filing fee paid to bring his application.

Analysis

I find that the tenant was obligated to complete a one year fixed term and that she breached her obligations under the contract by ending the tenancy early. I find that the tenant is liable for the landlord's losses and I award the landlord \$1,825.00 which represents the following:

| | |
|---|-------------------|
| February lost income | \$ 825.00 |
| March lost income | \$ 825.00 |
| Rent differential April – August (\$25 x 5) | \$ 125.00 |
| Filing fee | \$ 50.00 |
| Total | \$1,825.00 |

I grant the landlord a monetary order under section 67 for \$1,825.00. 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 awarded \$1,825.00.

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: July 31, 2013

Residential Tenancy Branch

