



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Klings Court Apartments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

MNDC, FF

Introduction

This is an application filed by the Landlord for a monetary order for money owed or compensation for loss and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord stated in her direct testimony that the Tenant was served with the notice of hearing package by Canada Post Registered Mail on August 12, 2013 and has submitted a copy of the Customer Receipt Tracking Number as confirmation. The Landlord stated that she performed an online search that showed that the Tenant picked up and signed for the package on August 16, 2013.

The Landlord clarified that the monetary claim is being lowered from \$2,100.00 to \$1,250.00 as the rental unit was re-rented for September 2013.

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 August 1, 2013 on a fixed term tenancy ending on January 31, 2014 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 \$425.00 was paid.

The Landlord states that the Tenant having received the keys and moved into the rental unit on August 1, 2013 gave notice that she changed her mind and moved out on

August 3, 2013. The Tenant returned the keys to the rental unit on August 3, 2013. The Landlord seeks \$400.00 for breach of the lease under section 4 of the liquidated damages clause and \$850.00 for the loss of rent for August 2013 as the rental unit was re-rented for September 1, 2013.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant did breach the fixed term tenancy by pre-maturely ending the tenancy on August 3, 2013 and failing to provide proper notice to end the tenancy. The Landlord has established a claim for the \$400.00 liquidated damages and the loss of rental income for August 2013 of \$850.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$425.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$875.00. 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 \$875.00.
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: November 19, 2013

Residential Tenancy Branch

