



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Bayside Property Services Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MNDC, MNSD, 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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 14, 2013, the tenants did not participate in the conference call hearing. The landlord gave affirmed evidence.

### Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background, Evidence and Analysis

The landlord's undisputed testimony is as follows. The tenancy was scheduled to begin on November 1, 2013 for a fixed term of six months. The tenants were obligated to pay \$950.00 per month in rent in advance and at the outset of the tenancy the tenants paid a \$475.00 security deposit. On October 26, 2013 the tenant notified the landlord and advised the landlord that he had changed his mind and that he would not be moving in. The landlord advised the tenant that they would make all attempts to rent the unit out but the tenant would be responsible for the rent until that time. The landlord was unable to rent for the months of November, December and January and seeks loss of revenue for those months = \$2850.00. The landlord made numerous attempts to rent the unit out by different mediums of advertising and regularly renewing advertisements. Based on the above and in the absence of any disputing testimony or documentation from the tenant I find that the landlord is entitled to \$2850.00.

The landlord is also entitled to the recovery of the \$50.00 filing fee.

Conclusion

The landlord has established a claim for \$2900.00. I order that the landlord retain the deposit and interest of \$475.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2425.00. 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: February 25, 2014

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Residential Tenancy Branch

