



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This is an application for a Monetary Order for \$1800.00, and a request for recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence and written arguments has been submitted by the prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Are the applicants entitled to a Monetary Order for \$1800.00 and recovery of their \$50.00 filing fee?

### Background and Evidence

The applicants testified that:

- On August 13, 2013 the respondents signed a one-year fixed term tenancy agreement that was to start on September 1, 2013 with a monthly rent of \$1450.00
- On August 14, 2013 the respondent's phoned and advised us that they would not be honoring the lease or moving into the rental unit.
- We relist that the unit for rent at \$1450.00, however we were having no success re-renting the unit and therefore we reduced the price to \$1300.00.
- We were able to find a new tenant at the reduced rate and their tenancy began on September 1, 2013.
- We are therefore requesting an order for the lost rental revenue of \$150.00 per month for the term of the lease, for a total of \$1800.00.
- We also request recovery of our \$50.00 filing fee.

The respondent testified that:

- They did sign a one-year fixed term tenancy agreement with the monthly rent of \$1450.00.
- Unfortunately a garnishee order was registered against his wages and as a result they were no longer able to afford the rental unit.
- Therefore rather than move into the rental unit, and not be able to pay the rent they chose to inform the landlords that they would not be able to move into the rental unit.

### Analysis

The tenants signed a fixed term tenancy agreement and they are bound by that agreement.

It is also my finding that the landlords took reasonable steps to mitigate their loss, and had they not reduce the rent, loss to the tenants have been greater.

Therefore it is my finding that the respondents are liable for the lost rental revenue totaling \$1800.00.

I also allow the request for recovery of the filing fee

### Conclusion

I have allowed the full claim and have issued a Monetary Order in the amount of \$1850.00.

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: December 10, 2013

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Residential Tenancy Branch

