



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Li-Car Management Group
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, MNR, MNDC, FF

Introduction

This is an application for a Monetary Order in the amount of \$800.00, a request for recovery of the \$50.00 filing fee, and request to retain the full security deposit of \$400.00 towards the claim.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed November 7, 2013 to the forwarding address given by the respondent; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the applicant established a monetary claim in the amount of \$800.00?

Background and Evidence

The applicant testified that:

- This tenancy began on January 1, 2011 with a monthly rent of \$800.00 and a security deposit of \$400.00 was collected on the same date.
- On October 28, 2013 the tenant informed them that she was vacating the rental unit on October 31, 2013.

- They immediately attempted to re-rent the unit, however they were unable to rent the unit in the month of November 2013, and therefore lost the full rental revenue for that month.
- They are therefore requesting a Monetary Order for the full loss rental revenue of \$800.00.

Analysis

Under Section 45 of the Residential Tenancy Residential Tenancy Act, tenants are required to give one clear month Notice to End Tenancy, and in this case the tenant has failed to do so.

I accept the landlord's testimony that they attempted to re-rent the unit and thereby mitigate the loss, however since they were unable to do so it's my finding that the tenant is liable for the lost rental revenue for the month of November 2013.

I also allow the request for recovery of the filing fee.

Conclusion

I have allowed the landlords full claim of \$850.00, and I therefore order that the landlords may retain the full security deposit of \$400.00, and pursuant to Section 67 of the Residential Tenancy Residential Tenancy Act, I have issued a Monetary Order in the amount of \$450.00.

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: February 18, 2014

Residential Tenancy Branch

