



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MND, MNSD & MNDC

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on each of the Tenants by mailing, by registered mail to the forwarding address provided by the Tenants on December 6, 2013. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a 6 month fixed term written tenancy agreement that provided that the tenancy would start on August 15, 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$925 per month payable on the first day of each month. The tenants paid a security deposit of \$462.50 and a pet damage deposit of \$250 at the start of the *tenancy*.

The tenants gave notice they were vacating the rental unit on November 17, 2013. The tenants vacated shortly after that. The landlord was not able to re-rent the rental unit for December and lost rent as a result even though it sufficiently attempted to mitigate its loss.

Monetary Order and Cost of Filing fee

With respect to each of the landlord's claims I find as follows:

- a. I determined the landlord is entitled to the sum of \$925 for loss of rent for December 2013.
- b. I determined the landlord is entitled to \$350 pursuant to a liquidated damage clause for breaching the fixed term tenancy. I determined this sum is a genuine pre-estimation of the loss.

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$1275 plus the \$50 filing fee for a total of \$1325.

Security Deposit

I determined the security deposit and pet damage deposit totals the sum of \$712.50. I determined the landlord is entitled to retain this sum. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$612.50.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: March 04, 2014

Residential Tenancy Branch

