



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes MNSD, FF

Introduction

This matter dealt with an application by the landlord for a Monetary Order for compensation for loss of revenue, to recover the filing fee for this proceeding and to keep the tenants' security deposit in partial payment of those amounts. Only the landlord's agents attended.

Issues(s) to be Decided

Is the Landlord entitled to compensation and if so, how much?

Background and Evidence

The landlord's agent XR testified that the applications for dispute resolution were sent by registered mail on March 24, 2014 to both tenants at their forwarding address. With reference to Canada Post's web site I noted that both tenants confirmed receipt of these packages on March 31, 2014. I therefore find that the tenants were served in accordance with the Act on March 31, 2014.

Based upon the evidence of XR I find that this month-to-month tenancy started July 1, 2011 and ended on March 6, 2014 when the tenants moved out. Rent was \$ 995.00 per month payable in advance on the 1st day of each month. The tenants paid a security deposit of \$ 485.00 at the beginning of the tenancy. XR testified that the tenants delivered a notice to end their tenancy on February 4 effective March 1, 2014. The landlord began searching for new tenants but was only able to obtain replacement tenants for a new tenancy beginning on March 15, 2014. Accordingly the landlord is claiming the sum of \$ 485.00 as loss of revenue.

Analysis

The tenants were required by the Act to give one month's full notice to end their tenancy; no later than the last day in the month previous to the effective date. The tenants did not do this.

I find based upon the evidence of the landlord and in absence of any evidence from the tenants that the landlord suffered a loss of revenue totalling \$ 485.00. I find pursuant to s. 72 of the Act that the landlord is also entitled to recover the \$50.00 filing fee for this proceeding. I order the landlord pursuant to s. 38(4) of the Act to retain the tenants' security deposit inclusive of interest amounting to \$ 485.00 in partial payment. The landlord will receive a Monetary Order for the balance owing.

Conclusion

In summary I ordered that the respondents pay to the applicant the sum of \$ 485.00 in respect of this claim plus the sum of \$ 50.00 in respect of the filing fee for a total of \$ 535.00 I order that the landlord retain the security deposit amounting to \$ 485.00 inclusive of interest. I grant the landlord a Monetary Order in the amount of **\$ 50.00** and a copy of it must be served on the tenants. If the amount is not paid by the tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: May 12, 2014

Residential Tenancy Branch

