



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord submitted evidence that they served the tenants with the application for dispute resolution and notice of hearing by registered mail sent on March 5, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on March 10, 2014, and I proceeded with the hearing in the absence of the tenants.

The landlord stated that the tenants had vacated the rental unit, and I therefore dismiss the portion of the landlord's application regarding an order of possession.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order?

### Background and Evidence

The tenancy began on March 1, 2013 as a fixed-term tenancy to end on March 31, 2014. Rent in the amount of \$1800 was payable in advance on the first day of each month. At the outset of the tenancy, the tenants paid the landlord a security deposit of \$900, a pet deposit of \$900 and a key deposit of \$25. The tenants vacated the rental unit without advance notice on February 28, 2014. The landlord has claimed lost revenue of \$1800 for March 2014.

In support of their claim the landlord submitted evidence including the following:

- a copy of a residential tenancy agreement, signed by the tenants and the landlord on February 22, 2013, indicating a monthly rent of \$1800 for a fixed term ending March 31, 2014;
- a copy of a letter from the tenants dated February 28, 2014, in which the tenants indicated that they were vacating as of that date, and in which they provided their forwarding address; and
- Canada Post registered mail receipts showing that the landlord served the tenants with their hearing packages by registered mail sent March 5, 2014.

### Analysis

Based on the above-noted evidence, I find that the landlord is entitled to lost revenue of \$1800 for March 2014. The lease did not end until March 31, 2014, and the tenants vacated on February 28, 2014, without giving the landlord any time to attempt to mitigate lost revenue by re-renting the unit. The tenants are therefore responsible for the landlord's loss.

As their application was successful, the landlord is also entitled to recovery of the \$50 filing fee for the cost of their application.

### Conclusion

The landlord is entitled to \$1850. I order that the landlord retain the security, pet and key deposits of \$1825 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$25. 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: June 30, 2014

---

Residential Tenancy Branch