



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

This hearing dealt with an application by the landlords for a monetary order for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement, to retain all or part of the security deposit, and to recover the RTB filing fee.

Both landlords attended the teleconference hearing and gave evidence, however the tenant did not attend. The landlords gave evidence they served the tenant with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by registered mail on March 9, 2014. I find the tenant was properly served.

### Issue(s) to be Decided

Are the landlords entitled to a monetary order for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement?

### Background and Evidence

The landlords provided a copy of a tenancy agreement signed by the parties on December 7, 2013. The agreement indicates the tenancy starts on January 1, 2014 and is for a fixed term ending January 1, 2015. The tenant is obligated to pay rent of \$1,250.00 monthly in advance on the first day of the month. The tenant also paid a security deposit of \$625.00.

The landlords gave evidence that the tenant did not move into the rental unit on January 1, 2014 and advised the landlords on January 10, 2014 that he would not be moving into the rental unit at all. The tenant did not pay rent for January 2014 or any subsequent period.

The landlords advertised the rental unit to new prospective tenants on various free classified ad websites starting on January 11, 2014. When they had not found new tenants by January 24, 2014, they advertised the rental unit on a paid website at a cost of \$31.48. The landlords found new tenants to take the rental unit for February 15, 2014 at a rent of \$1,250.00 per month.

The landlords claim a rental loss for January and half of February 2014, their advertising costs, and their RTB filing fee.

### Analysis

I find the landlords have proven they incurred a loss of rental income for the period January 1 to February 15, 2014 because the tenant breached the tenancy agreement. I further find that the landlords took appropriate steps to mitigate their losses by promptly advertising the rental unit to new prospective tenants.

I find the landlords are entitled to be compensated for lost rental income in the amount of \$1,875.00, advertising expense of \$31.48, and their RTB filing fee of \$50.00. The total amount due the landlords is \$1,956.48. I order that the landlord retain the security deposit of \$625.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,331.48. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### Conclusion

I grant the landlords a monetary order for \$1,331.48. The landlords are also entitled to retain the security deposit.

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: July 17, 2014

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Residential Tenancy Branch

