



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pemberton Holmes
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, FF

Introduction

This is an application filed by the landlord for a monetary order for unpaid rent and recovery of the filing fee.

The landlord attended the hearing by conference call and gave undisputed evidence. The tenants did not attend or submit any documentary evidence. The landlord states that the tenants were served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on April 3, 2014 and has submitted a copy of the Customer Receipt Tracking numbers as confirmation for each tenant. The landlord stated that an online search showed that the tenants received the package by signing for it from Canada Post on April 4, 2014.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Background and Evidence

This tenancy began on May 1, 2013 on a fixed term tenancy ending on April 30, 2014. The landlord states that the tenant vacated the rental unit on February 15, 2014. The monthly rent was \$975.00 payable on the 1st of each month and a security deposit of \$487.50 was paid on March 16, 2012.

The landlord states that the tenant vacated the rental prematurely on February 15, 2014 before the end of the fixed term tenancy on April 30, 2014. The landlord states that upon notification, the landlord immediately began trying to re-rent the unit, but was not successful until April 1, 2014. The landlord states that the tenant was on an automatic billing each month and when the landlord tried to debit the tenant's account a \$25.00

NSF charge was incurred. As well, the tenant was charged for \$25.00 for a late rent fee. The landlord seeks a monetary claim of \$1,025.00. The landlord has submitted copies of the Resident Tenant Ledger as confirmation.

Analysis

I accept the undisputed evidence of the landlord and find that the tenants prematurely ended the fixed term tenancy on February 15, 2014 before the end on April 30, 2014. I accept that the landlord made reasonable efforts to mitigate any possible losses by attempting to re-rent the unit, but were unsuccessful until April 1, 2014. The landlord has established a monetary claim of \$1,025.00 for loss of rental income and \$25.00 for a NSF charge and a \$25.00 late rent charge as provided in the submitted copy of the signed tenancy agreement. The landlord is also entitled to recovery of the \$50.00 filing fee. The landlord is granted a monetary order under section 67 of the Act for \$1,075.00.

Conclusion

The landlord is granted a monetary order for \$1,075.00.

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: July 23, 2014

Residential Tenancy Branch

