



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for 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 received on May 22, 2014. I accepted the landlord's evidence regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on June 15, 2013 as a fixed-term tenancy to end on June 30, 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 and a pet deposit of \$300.

The landlord stated that on March 18, 2014 the tenants called the landlord and said they were going to vacate by April 30, 2014. The landlord stated that he immediately began advertising to re-rent, but the tenants were not cooperating with showing the unit, so he could only show it on the weekends. The tenants vacated on April 30, 2014. The landlord was unable to re-rent the unit, and he has claimed lost revenue of \$3600 for the months of May and June 2014.

In support of his claim, the landlord submitted evidence including the following:

- a copy of a residential tenancy agreement, signed by the tenant on June 2, 2014 and by the landlord on June 6, 2013, indicating the following:
 - a fixed term from June 15, 2013 to June 30, 2014;
 - monthly rent of \$1800 due on the first of each month;
 - payment by the tenants of a \$900 security deposit and a \$300 pet deposit;
- testimony regarding the landlord's attempts to re-rent the unit; and
- a copy of the Landlord's Application for Dispute Resolution, filed May 20, 2014.

Analysis

I find that the landlord has established their claim for lost revenue of \$3600. The evidence noted above shows that the monthly rent was \$1800, the tenancy was for a fixed term that the tenants breached, and despite taking reasonable steps to mitigate the landlord was unable to re-rent the unit for the balance of the fixed term.

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

Conclusion

The landlord is entitled to \$3650. I order that the landlord retain the security and pet deposits of \$1200 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2450. 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: October 3, 2014

Residential Tenancy Branch

