



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes MNR 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 tenant 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 May 15, 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 May 20, 2014, 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 September 1, 2013 as a fixed-term tenancy to end on August 31, 2014. Rent in the amount of \$950 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$437.50.

The landlord stated that on or about April 7, 2014 one of the two tenants contacted the landlord and stated that the tenants had moved out. The landlord stated that he immediately took steps to attempt to re-rent the unit by advertising in the newspaper and online, but he was not able to find a new tenant until June 1, 2014. The landlord has therefore claimed \$950 in lost revenue for June 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 August 23, 2013, indicating a monthly rent of \$950 due on the first of each month and a fixed term of one year;
- testimony from the landlord regarding attempts to re-rent as soon as possible; and
- a copy of the Landlord's Application for Dispute Resolution, filed May 13, 2014, in which the landlord claimed \$950 in lost revenue for May 2014.

Analysis

I find that the landlord has established their claim for lost revenue for May 2014. The evidence noted above shows that the tenants entered a fixed-term lease and moved without notice; the landlord suffered a resulting loss of revenue; and the landlord took steps to mitigate the loss by advertising to re-rent as soon as possible.

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

Conclusion

The landlord is entitled to \$1000. I order that the landlord retain the security deposit of \$437.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$562.50. 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: September 9, 2014

Residential Tenancy Branch

