



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR & FF

### Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the respondent on July 16, 2014

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to A Monetary Order and if so how much?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on March 1, 2014, end on February 28, 2015 and continue on a month to month basis after that. The rent is \$950 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$475 on February 11, 2014. The tenant vacated the rental unit on April 17, 2014.

The tenant(s) failed to pay the rent for the months of March (\$175 is owed) and April (\$950 is owed) and the sum of \$1125 remains owing. In addition the landlord was not able to rent the rental unit for the months of May (\$950 is owed), June (\$950 is owed) and July (\$950 is owed). I determined the landlord sufficiently attempted to mitigate her loss by extensively advertising in the local news list, Craigslist, with realtors etc. but was

not able to re-rent the rental unit until July with the new tenants taking possession on August 1, 2014. The rental property is located in a college town and many of the students leave over the summer.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of March (\$175 is owed) and April (\$950 is owed) and the sum of \$1125 remains owing. The tenant is obliged to pay the rent during the term of the fixed term tenancy subject to the landlord's obligation to do what is reasonable to lessen her loss. I determined the landlord sufficiently attempted to advertise but was not able to re-rent the rental unit until July with possession on August 1, 2014. As a result the landlord is entitled to loss of rent for the months of May (\$950 is owed), June (\$950 is owed) and July (\$950 is owed) and the sum of \$2850 is owed. **I granted the landlord a monetary order in the sum of \$3975 plus the sum of \$50 in respect of the filing fee for a total of \$4025.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: December 15, 2014

---

Residential Tenancy Branch

