



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, MNSD, FF

Introduction

This was the hearing of an application by the landlord for a monetary award and an order to retain the security deposit in partial satisfaction of the monetary claim. The hearing was conducted by conference call. The landlord's agent called in and participated in the hearing. The tenant did not attend, although she was served with the application and Notice of Hearing by registered mail sent on January 6, 2015.

Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?
Is the landlord entitled to retain the tenant's security deposit?

Background and Evidence

The rental unit is a suite or apartment in North Vancouver. The tenancy began on April 1, 2014 for a fixed term ending April 30, 2015. Rent in the amount of \$575.00 is payable on the first of each month. The tenant paid a security deposit of \$287.50 before the commencement of the tenancy.

On December 1, 2014 the tenant wrote to the landlord to advise that she intended to move out of the rental unit on December 31, 2014, prior to the end of the fixed term tenancy. The tenant did not pay rent for January and she did not move out of the rental unit until a few days prior to the hearing. The landlord has applied for unpaid rent for January and has included a claim for loss of revenue for subsequent months. The landlord has advertised the unit for rent and is attempting to find a new tenant.

Analysis

The failed to pay rent for January, although she occupied the rental unit for most of the month. The tenant has also breached the fixed term tenancy agreement, but it remains to be seen whether the landlord will be able to mitigate her damages by re-renting the unit after January. The landlord is entitled to a monetary award for unpaid rent for January in the amount of \$575.00 and to recover the filing fee for this application, but the claim for loss of revenue after January is premature and this portion of the landlord's claim is dismissed with leave to reapply after the landlord has established whether she has incurred a loss for subsequent months.

Conclusion

I grant the landlord a monetary award in the amount of \$625.00. I order that the landlord retain the security deposit of \$287.50 in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$337.50. This order may be registered 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: January 22, 2015

Residential Tenancy Branch

