



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit. Despite having been served with the application for dispute resolution and notice of hearing sent via registered letter on February 27, 2015, the tenants did not participate in the conference call hearing.

At the hearing, the landlord advised that the tenants had recently vacated the rental unit. I consider the claim for an order of possession to have been withdrawn.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began on October 5, 2014 and rent was set at \$780.00 per month. The tenants paid a \$390.00 security deposit on October 5, 2014. The tenants failed to pay rent in the months of January, February and March and although they were served with a notice to end tenancy on or about January 29, they did not vacate the unit until March 2.

The landlord seeks to recover unpaid rent for January and February, loss of income for March and the \$50.00 filing fee paid to bring her application.

Analysis

I accept the undisputed evidence of the landlord and I find that the tenants had a contractual obligation to pay rent in the amount of \$780.00 for each month of the tenancy. I find that the landlord is entitled to recover the rent which the tenants failed to pay in the months of January and February and I award her \$1,560.00.

The landlord also seeks to recover lost income for the month of March. At the hearing, the landlord said that she has made no effort to advertise the rental unit because it needs to be cleaned. In order for the landlord to establish a claim for lost income, she must prove that she attempted to minimize her losses by attempting to re-rent the unit. 15 days after the tenants vacated the rental unit, the landlord has still not cleaned the unit or made an attempt to re-rent it. I find that the landlord has not acted reasonably to minimize her losses and therefore is restricted to recovering only the rent payable for the 2 days in March in which the tenants occupied the rental unit. I award the landlord \$50.32 which represents 2 days of rent.

As the landlord has been substantially successful in this claim, I find she should recover the filing fee and I award her \$50.00.

The landlord has been awarded a total of \$1,660.00. I order the landlord to retain the \$390.00 security deposit in partial satisfaction of the claim and I grant her a monetary order under section 67 for \$1,270.32. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$1,270.32. The landlord will retain the security deposit.

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: March 17, 2015

Residential Tenancy Branch

