



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 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 sent on January 2, 2015. 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 January 7, 2015, 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, 2014. Rent in the amount of \$1200 was payable in advance on the first day of each month. At the outset of the tenancy, tenants paid the landlord a security deposit of \$600 and a pet deposit of \$300.

The landlord stated that on December 6, 2014 she received a text message from the tenants, informing her that the tenants intended to vacate the rental unit by January 1, 2015. The landlord stated that on December 7, 2014 she began advertising the unit for re-rental; however, she was unable to re-rent the unit for January 2015. The landlord has therefore claimed loss of revenue of \$1200.

Analysis

I accept the landlord's evidence and find that they have established their claim for loss of revenue of \$1200. The tenants did not give adequate notice to vacate and the landlord was unable to re-rent the unit despite taking reasonable steps to attempt to do so.

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 \$1250. I order that the landlord retain the security and pet deposits of \$900 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$350. 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: April 29, 2015

Residential Tenancy Branch

