



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNR, MNDC, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for loss of income, the cost of utilities, travel expenses and the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be decided

Is the landlord entitled to a monetary order to recover loss of income, the cost of utilities, travel expenses and the filing fee?

Background and Evidence

The tenancy started on August 01, 2014. The monthly rent was \$1,500.00 due on the first of each month. On August 09, 2014, the tenant informed the landlord that he would be moving out and did so on August 11, 2014. The tenant paid rent for August.

The landlord stated that sometime in the middle of August, she decided to list the rental unit for sale. When she was not successful in finding a buyer, she advertised for a tenant. A new tenant was found for October 01, 2014. The landlord is claiming loss of income for the month of September, 2014.

The landlord stated that she lives in a neighbouring Province and had to travel to the rental unit when the tenant gave her notice to end the tenancy. The landlord is claiming the cost of travel and has filed copies of invoices to support her claim of \$675.83.

The landlord is also claiming the cost of utilities for the month of August in the amount of \$93.87 and the filing fee of \$50.00.

Analysis

1. Loss of income for September 2014 - \$1,500.00

Section 45 of the *Residential Tenancy Act*, states that a tenant may end a periodic tenancy by giving the landlord notice to end the tenancy effective on a date that is not earlier than one month after the date the landlord receives the notice and is the day before the day in the month that rent is payable under the tenancy agreement.

Based on the testimony of both parties, I accept the landlord's evidence in respect of the claim. In this case the tenant did not give the landlord adequate notice to end the tenancy, thereby causing the landlord to suffer a loss of income for the month of September 2014.

Section 7 of the *Residential Tenancy Act* states that a landlord who claims compensation for loss that results from the tenant's non-compliance with the *Act* or their tenancy agreement must do whatever is reasonable to minimize the loss.

In all cases, the landlord's claim is subject to the statutory duty to mitigate the loss by re-renting the premises at a reasonably economic rent as soon as possible. In this case, in order to minimize the loss, the landlord had to make efforts to re-rent the unit. However, the landlord testified that she did not make efforts to re-rent the unit because she listed the unit for sale. Therefore I find that the rental unit was unavailable for rent for the month of September

Accordingly I find that the landlord did not suffer a loss of income because she did not intend to rent the unit. Therefore the landlord is not entitled to her claim for loss of income for September 2014.

2. Travel costs - \$675.83

The landlord chooses to live at a distance from the rental unit. Therefore any travel related expenses are the cost of doing business and accordingly dismissed

3. Utilities - \$93.87

The tenant moved out on August 11, 2014. The landlord received a utility bill for the remainder of August which she has filed into evidence.

Some of the charges as shown on the bill are for the transfer of services to the landlord's name which I find is not the responsibility of the tenant. However I further find that the tenant is responsible for the cost of utilities for the month of August and must cover the cost of services for the remainder of the month. Accordingly I find that the tenant must pay \$26.83 for electricity, \$20.80 for the cost of water, \$13.45 for the cost of sewer and \$6.45 for the cost of recycling for a total of \$67.53.

4. Filing fee - \$50.00

Since the landlord has proven a portion of her case, I award her the recovery of the filing fee of \$50.00.

The landlord has established a claim of \$117.53 which consists of \$67.53 for utilities plus \$50.00 for the filing fee. I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act*, for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$117.53**.

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: May 06, 2015

Residential Tenancy Branch

