



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

This was a hearing with respect to the landlord's application for a monetary award and for an order to retain the tenant's security deposit. The hearing was conducted by conference call. The landlords 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 December 10, 2014.

### Issue(s) to be Decided

Are the landlords entitled to a monetary award and if so, in what amount?  
Are the landlords entitled to retain all or part of the security deposit?

### Background and Evidence

The rental unit is a basement suite in a house in Nanaimo. The tenancy began on July 15, 2014 for a one year term. The monthly rent was \$750.00 and the tenant paid a security deposit of \$375.00 on June 30, 2014.

On December 1, 2014 the tenant gave the landlords notice by e-mail that she intended to move out of the rental unit on December 31<sup>st</sup>. The landlords immediately began advertising for a new tenant. They succeeded in finding a new tenant who moved in and commenced paying rent on January 15, 2015. The landlords have claimed for the costs to clean and repair the rental unit and for loss of revenue. The landlords included amounts in their claim for the cost of ferry fares, advertising costs and expenses to serve documents by registered mail.

### Analysis

The landlords are entitled to recover the costs to clean and repair the rental unit and to be reimbursed for their loss of rental income because the tenant breached the fixed term tenancy agreement. They are not entitled to be reimbursed for ferry fares incurred to travel to and from the rental property because they live on the mainland and manage a rental property on Vancouver Island. These claims as well as the costs to serve documents are denied. I have allowed the landlords' application for the following amounts as claimed:

- Rona invoice for paint supplies and new lock: \$55.69
- Dump fees to dispose of garbage: \$6.00
- Home Depot invoice for repair items: \$44.20
- Home Depot invoice for additional painting supplies: \$51.49
- Loss of revenue for part of January: \$375.00
- Unpaid Telus bill for tenant movie rentals: \$39.00

Total: \$571.38

### Conclusion

I have allowed the landlords' claim in the amount of \$571.38. The landlords are entitled to recover the \$50.00 filing fee for their application for a total award of \$621.38. I order that the landlords retain the security deposit of \$375.00 in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$246.38. 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: July 27, 2015

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Residential Tenancy Branch

