



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing on March 11, 2015, by registered mail to the forwarding address provided by the tenant. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to A Monetary Order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on November 27, 2014. The rent is \$2695 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$1347.50 on November 21, 2014.

The tenant(s) failed to give the landlord notice and vacated the rental unit on March 3, 2015.

The landlord sufficiently attempted to mitigate her loss but was not able to rent the premises. Eventually she sold the rental unit with possession on May 30, 2015. I determined the tenant failed to pay the rent for March and the sum of \$2695 is owed. In addition the landlord lost rent for the months of April (\$2695) and May (\$2695).

Analysis - Monetary Order and Cost of Filing fee:

The parties entered into a fixed term tenancy agreement. The tenant is obliged to pay the rent for the unexpired remainder of the fixed term subject to the landlord's obligation to mitigate. I determined the landlord sufficiently attempted to mitigate her loss. However, she was unable to re-rent the premises. The landlord is entitled to the sum of \$8085 for loss of rent for March, April and May 2015.

I granted the landlord a monetary order in the sum of \$8085 plus the sum of \$100 in respect of the filing fee for a total of \$8185.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$1347.50. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$6837.50.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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 23, 2015

Residential Tenancy Branch

