



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD 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 April 22, 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 April 27, 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 February 1, 2015 as a three month fixed term tenancy. Rent in the amount of \$1650.00 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$725.00.

The landlord stated that one month and four days before the end of the fixed term, the tenants gave the landlord verbal notice that they were vacating. The tenants then vacated one day later. The landlord stated that it took four to seven days to clean and repair the rental unit after the tenants vacated, so they were unable to re-rent the unit for May 2015. The landlord reduced their monetary claim to the amount of the security deposit.

In support of their claim, the landlord submitted evidence including the following:

- a copy of a residential tenancy agreement, signed by the tenants and the landlord on January 12, 2015, indicating:
 - a fixed term ending May 1, 2015;
 - a monthly rent of \$1650.00 due on the first of each month;
 - a security deposit of \$725.00 received by the landlord;
- testimony that the tenants vacated early without proper notice; and
- a copy of the Landlord's Application for Dispute Resolution, filed April 2015.

Analysis

I find that the landlord has established their claim. I am satisfied with the landlord's evidence that the tenants vacated before the end of the fixed term and did not give the landlord sufficient notice to allow the landlord to clean, repair and advertise the unit to re-rent for April 2015.

As the landlord's application was successful, they are also entitled to recovery of the \$50.00 filing fee for the cost of this application.

Conclusion

The landlord is entitled to \$775.00. I order that the landlord retain the security deposit of \$725.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$50.00. 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: October 9, 2015

Residential Tenancy Branch

