



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, MNSD, FF

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. A Monetary Order in the sum of \$1750 for loss of rent and the payment of a strata levy. .
- b. An Order to retain the security deposit.
- c. An Order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of a representative 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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to the forwarding address provided by the Teenant on November 10, 2016. 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:

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

Background and Evidence

At the end of June 2012 the parties entered into a fixed term written tenancy agreement that provided that the tenancy would start on July 10, 2012, end on June 30, 2013 and that the parties could enter into subsequent fixed term tenancies. The rent was \$1500 per month

payable in advance on the first day of each month. The Tenant paid a security deposit of \$750 on June 27, 2012.

The parties made subsequent extensions to the fixed term tenancy agreement with the latest providing that the tenancy would start on June 1, 2015 and end on June 1, 2016. On September 25, 2015 the tenant gave the landlord notice she was vacating the rental unit on November 1, 2015 as she had purchased another apartment.

The tenant vacated by November 1, 2015. The landlord was not able to find another renter for the month of November and suffered a rent loss of \$1500. In addition the tenant moved without getting the permission of the strata and as a result the landlord had to pay a \$200 strata fine.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant breached the fixed term tenancy and the landlord suffered a rent loss of \$1500 for November. In addition the tenant failed to get the permission of the Strata and the landlord had to pay a fine of \$200. I granted the landlord a monetary order in the sum of \$1700 plus the sum of \$50 in respect of the filing fee for a total of \$1750.

Security Deposit

I determined the security deposit plus interest totals the sum of \$750. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1000.

Conclusion:

I ordered that the landlord shall retain the security deposit of \$750. In addition I ordered that the Tenant pay to the Landlord the sum of \$1000.

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: June 07, 2016

Residential Tenancy Branch