



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

FF, MNR

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. A monetary order in the sum of \$1200 for loss of rent for February 2017.
- b. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of both parties. 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 tenant. The tenant acknowledged service of the Application for Dispute Resolution. 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 recover the cost of the filing fee?

Background and Evidence

The parties entered into a 6 month fixed term written tenancy agreement that provided that the tenancy would start on November 1, 2016. The rent was \$1200 per month payable on the first day of each month. The tenant paid a security deposit of \$600 and a pet damage deposit of \$600 at the start of the tenancy.

The tenant gave the landlord notice he was vacating at the end of January 2017. The landlord was not able to find a new tenant for February. However, he found a new

tenant who took possession on March 1, 2017. The landlord claims for loss of rent for February 2017.

The tenant filed an Application for Dispute Resolution seeking an order for double the security deposit and pet damage deposit. The hearing was held on March 15, 2017. The arbitrator recorded the agreement between the parties in which the tenant agreed to forgo the doubling of the security deposit and pet damage deposit in exchange the landlord agreed he “would abandon his claim for recovery of February rent.” .

Analysis - Monetary Order and Cost of Filing fee:

I dismissed the claim of the landlord to recover loss of rent for February 2017 as the landlord agreed to abandon this claim in exchange for the tenant agreeing to forgo his right to claim double the security deposit and pet damage deposit. This decision is binding on the parties.

Conclusion:

As a result I dismissed the landlord's application without leave to re-apply..

This decision is final and binding on both parties.

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: August 22, 2017

Residential Tenancy Branch