



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MND, FF, **MNSD**

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid utilities, loss of income, repairs to the blinds and for the recovery of the filing fee. **The landlord also applied to retain the security deposit in partial satisfaction of his claim.**

The landlord testified that he served the tenants with the notice of hearing on August 28, 2017, by registered mail and provided tracking numbers. The landlord testified that he tracked the packages on line and found that they were picked up and signed for by the tenants.

Despite having been served the notice of hearing, the tenants did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid utilities, loss of income, repairs to the blinds and for the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started on April 05, 2017 for a fixed term of one year. On June 03, 2017, the tenant gave notice to end the tenancy effective July 01, 2017. The monthly rent was \$1,100.00 payable on the fifth of each month.

The landlord stated that the tenant did not participate in the move out inspection despite 2 written notices. The tenant moved out at the end of June. The landlord looked for a new tenant and found one for the middle of August 2017. The landlord is claiming loss of income for the month of July 2017.

The landlord is also claiming unpaid utilities and has provided copies of utility bills to support his claim. The landlord testified that the tenant damaged the blinds and he is claiming the cost of replacement. The landlord filed a copy of a receipt for the purchase of blinds.

The landlord is claiming the following:

1.	Hydro	\$46.03
2.	Gas	\$14.85
3.	Replace blinds	\$34.92
4.	Loss of income	\$1,100.00
5.	Filing fee	\$100.00
	Total	\$1,295.80

Analysis

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the parties were in a fixed term tenancy agreement and that the tenant breached this agreement by ending the tenancy prior to the end date, as specified in the tenancy agreement.

The damages awarded are an amount sufficient to put the landlord in the same position as if the tenant had not breached the agreement. As a general rule this includes compensating the landlord for any loss of rent up to the earliest time that the tenant could legally have ended the tenancy. In all cases, the landlord's claim is subject to the statutory duty to mitigate the loss by re-renting the premises at a reasonably economic rent.

In this case, I find that the landlord attempted to mitigate his losses by advertising the availability of the rental unit and was able to find a tenant for August 2017 but suffered a loss of income for the month of July 2017. Therefore, I find that the landlord is entitled to his claim for the loss of income for July.

I further find that the landlord has filed sufficient evidence to support his monetary claims for unpaid utilities and to replace the blinds. Since the landlord has proven his case I grant him the recovery of the filing fee.

Overall the landlord has established a claim of \$1,295.80. **I order that the landlord retain the security deposit of \$550.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$745.80.**

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of ~~\$1,295.80.~~ **\$745.80**

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: February 27, 2018

Residential Tenancy Branch

DECISION/ORDER AMENDED PURSUANT TO SECTIONS 78(1)(A) AND 78(1.1)(A)
OF THE RESIDENTIAL TENANCY ACT ON APRIL 16, 2018
AT THE PLACES INDICATED. (BOLD UNDERLINED)

Residential Tenancy Branch