



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNSD MNDC 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. Both the landlord and the tenant participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on July 10, 2010 as a fixed-term tenancy to end on July 1, 2011. Rent in the amount of \$1200 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 tenant in the amount of \$600.

On November 30, 2010, the tenant gave the landlord notice that he would be moving out by December 31, 2010. The landlord immediately began advertising to re-rent, and was able to re-rent the unit as of February 1, 2011. The landlord has claimed \$1200 for lost revenue for January 2011, and \$71.44 for advertising costs.

The response of the tenant was that he thought the landlord would tell him if he had to sublet, but he did not hear anything from the landlord until he received her application. The landlord was away for the holidays, and the tenant tried to help the landlord re-rent, by advertising and showing the unit.

The landlord stated that she was on holidays from December 20, 2010 to January 7, 2011 but she had an agent showing the unit for the first week of January.

Analysis

In considering all of the evidence, I find that the landlord did take reasonable steps to attempt to re-rent the unit as soon as possible. The tenant broke the lease and is therefore responsible for the lost revenue for January 2011, as well as the advertising costs.

As the landlord's claim was successful, she is also entitled to recovery of the \$50 filing fee for the cost of his application.

Conclusion

The landlord is entitled to \$1200 in lost revenue, \$71.44 for advertising and \$50 for the filing fee. I order that the landlord retain the deposit and interest of \$600 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$721.44. 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: June 27, 2011.

Residential Tenancy Branch