



Dispute Resolution Services

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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail to the forwarding address provided by the tenants' agent, the tenants did not participate in the conference call hearing.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed testimony is as follows. On July 7, 2011 the tenants entered into a fixed term tenancy agreement to begin on July 7, 2011 and end on June 30, 2012. The tenants paid a \$397.50 and all but \$138.63 of the pro-rated rent for July. After signing the agreement, the tenants advised the landlord that they would not be moving into the rental unit. Within a short time they changed their minds and told the landlord that they would be moving into the rental unit but at the end of July, again stated that they would not be moving in. The landlord made efforts to re-rent the unit for August 1, 2011 but was unable to secure new tenants until August 15.

The landlord seeks to recover the \$138.63 in unpaid rent for July, \$359.03 in lost income for August 1-15, \$300.00 in liquidated damages pursuant to the terms of the tenancy agreement and the \$50.00 filing fee paid to bring this application.

Analysis

I accept the landlord's undisputed testimony and I find that the landlord is entitled to recover the aforementioned amounts. I find that the losses suffered by the landlord were a direct result of the tenants having failed to comply with the terms of the tenancy agreement and I find that the landlord acted reasonably to minimize losses. I award the

landlord \$847.66. I order the landlord to retain the \$397.50 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance of \$450.16. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$450.16. The landlord may retain the security deposit.

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: November 14, 2011

Residential Tenancy Branch