



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BCIMC Realty Corporation and Bayview
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for lost revenue. Both the landlord's agent and the tenant participated in the conference call hearing.

At the outset of the hearing, the tenant confirmed that she had received the landlord's application and evidence. The tenant did not serve her documentary evidence on the landlord, and I therefore did not admit that evidence. Both the tenant and the landlord were given full opportunity to give testimony in the hearing. I have reviewed all testimony and other admissible evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on September 1, 2012 as a fixed-term tenancy to end on August 31, 2013. Rent in the amount of \$1625 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 \$812.50. The parties agreed that the tenant moved out of the rental unit on April 30, 2013 and she gave the landlord permission to retain the security deposit as partial payment of rent for May 2013. The unit was re-rented beginning June 1, 2013. The landlord has applied for lost revenue for the latter half of May 2013.

The landlord stated that as soon as the tenant gave notice that she was going to vacate, they began to extensively advertise to re-rent the unit. In support of their application, the landlord submitted copies of ads for the rental unit, which show ads for the unit from

February 10 through March 30, 2013 and April 11 and 22, 2013 for \$1650 monthly rent, and ads from April 3 through April 6, 2013 and April 23, 24 and May 9, 2013 for \$1625 monthly rent.

The tenant's response to the landlord's application was as follows. The reason the tenant gave notice was because she was not happy living there, particularly because of neighbours' unfounded noise complaints about the tenant. The tenant acknowledged that many people viewed the rental unit, and she was also helping hunt for people. The tenant did not think that she should have to pay for another half a month's rent when she gave the landlord four months' notice.

Analysis

Upon consideration of the evidence, I find that the landlord is not entitled to their claim. The landlord's evidence shows that they advertised the unit for a rent higher than the tenant's rent, which I find is not a reasonable step taken to attempt to re-rent the unit. The landlord ought to have attempted to re-rent the unit for the same or lower rent than that of the tenant.

As the landlord's claim was not successful, they are not entitled to recovery of the filing fee for the cost of their application.

Conclusion

The landlord's application is dismissed.

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: October 7, 2013

Residential Tenancy Branch

