



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes 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.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on November 29, 2013. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on December 4, 2013, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on January 1, 2012. Rent in the amount of \$750 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 \$375.

The landlord's evidence was that on November 4, 2013 the tenant gave the landlord late notice that they intended to vacate the rental unit by the end of November 2013. The landlord stated that they immediately began advertising to re-rent the unit. The tenant vacated the unit on November 20, 2013. The landlord was unable to re-rent the unit until January 1, 2014. The landlord has claimed lost revenue of \$750 for December 2013.

In support of their claim, the landlord submitted evidence including the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord on December 20, 2011, indicating a monthly rent of \$750 due on the first of each month;
- a copy of the tenant's notice to vacate dated November 4, 2013; and
- testimony regarding the landlord's efforts to re-rent the unit as soon as possible.

Analysis

I find that the landlord has established their claim of \$750 for lost revenue in the month of December 2013. The evidence noted above shows that the tenant gave late notice to vacate and the landlord was unable to re-rent the unit until January 1, 2014.

As the landlord's application was successful, they are also entitled to recovery of the \$50 filing fee for the cost of this application.

Conclusion

The landlord is entitled to \$800. I order that the landlord retain the security of \$375 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$425. 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: April 4, 2014

Residential Tenancy Branch

