



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

LIMITED REVIEW DECISION

Dispute Codes MNR MNDC MNSD FF

Introduction

This matter originally dealt with monetary applications by the landlord and the tenants. On June 30, 2014 I issued my decision in these matters, and in part I granted the landlord unpaid rent and lost revenue for August 1, 2013 to November 14, 2014, based on my determination that the rental unit was not re-rented until November 15, 2014.

The tenants applied for and were granted a limited review hearing, reconvened with me to hear only the matters pertaining to when the new tenant began occupying the rental unit.

The limited review hearing convened on October 6, 2014. The tenant called in to the teleconference hearing but the landlord did not.

The tenant stated that the landlord was served with the review consideration decision, new evidence and notice of the review hearing by registered mail on or about July 28, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the landlord was deemed served with notice of the hearing on August 2, 2014, and I proceeded with the hearing in the absence of the landlord.

Issue(s) to be Decided

Should I vary my decision in this matter regarding when the new tenant moved into the rental unit?

Background and Evidence

The tenants entered into a fixed-term tenancy that was to end on July 13, 2014. The monthly rent was \$2600. The tenants failed to pay rent for August 2013, and they vacated the unit in August 2013.

The tenants' evidence in the review hearing was that a new tenant began occupying the rental unit on September 2, 2013. The tenant provided a notarized affidavit from the site manager for the building. In the affidavit, the site manager confirmed that the new tenant began occupying the rental unit on September 2, 2013. Attached to the affidavit was a move-in and move-out form indicating that an occupant moved into the rental unit on September 2, 2103.

Analysis

I accept the tenants' clear, undisputed evidence that a new tenant began occupying the rental unit on September 2, 2013. I therefore find that the landlord is not entitled to lost revenue from September 2013 through November 14, 2013, and I accordingly reduce the landlord's monetary award of \$7350 by \$6500, for a balance of \$850.

Conclusion

I hereby vary my decision and order in this matter to reduce the landlord's monetary award to \$850.

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 6, 2014

Residential Tenancy Branch

