



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## Decision

Dispute Codes: MNDC, MNSD, 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 parties participated in the conference call hearing and had opportunity to be heard.

## Issue(s) to be Decided

Is the landlord entitled to a monetary order as requested?

## Background and Evidence

The parties agreed that the tenancy began on May 1, 2008 and was a month-to-month tenancy. Rent in the amount of \$825.00 per month was payable in advance on the first day of each month and the tenants paid a security deposit of \$412.50. The parties further agreed that the tenancy ended on January 30, 2009. The parties further agreed that the tenants were responsible for \$100.00 in cleaning costs.

The landlord testified that the tenants failed to give notice that they were moving and therefore the landlord could not secure new tenant for February 1. The landlord seeks \$825.00 in loss of income for February. The tenants testified that in late December they gave verbal notice to the previous building manager and that she did not advise them that written notice was required.

## Analysis

Section 45(1) of the Act provides that tenants in a periodic, or month-to-month, tenancy must give the landlord one full month's written notice to end the tenancy. The Act does not require the landlord to advise the tenants of their legal obligations. I find that the tenants are responsible for the landlord having lost income for the month of February. The landlord is awarded \$975.00, which represents loss of income for February, the

\$100.00 cleaning charge to which the parties agreed and the \$50.00 filing fee paid to bring this application. I order that the landlord retain the deposit and interest of \$416.68 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$558.32. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord is awarded \$558.32.

Dated April 16, 2009.

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