

# Dispute Resolution Services

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

## **DECISION AND REASONS**

**Dispute Codes:** *MNSD, MNR, MNDC, FF*

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for loss of income and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his claim.

The landlord stated that the tenants moved out with out notice, on March 04, 2009. They left their forwarding address and the keys to the rental unit with the tenant of an adjacent rental unit.

The notice of hearing dated March 17, 2009, was served on the tenant on March 19, 2009, by registered mail to the forwarding address. Despite having been served the notice of hearing, the tenants did not show up for the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to a monetary order for loss of income and for the filing fee? Is the landlord entitled to retain the security deposit?

### **Background and Evidence**

The landlord testified that the tenancy started on February 01, 2009. Prior to moving in, the tenant paid a security deposit of \$325.00. The monthly rent was \$650.00 payable on the first day of each month. The tenant moved out on March 04, 2009 without giving the landlord, notice to end tenancy.

The landlord was able to re-rent the unit for April after incurring a loss of income for the month of March. The landlord is claiming \$650.00 for loss of income and \$50.00 for the filing fee.

### **Analysis**

Section 45 of the *Residential Tenancy Act* states that a tenant may end a tenancy by giving the landlord notice to end the tenancy effective on a date that is not earlier than one month after the date the landlord receives the notice and is the day before the day in the month that rent is payable.

In this case the tenant moved out on March 04, 2009 without giving the landlord notice to end the tenancy. Pursuant to section 45, the tenant must pay rent for March and April. Since the landlord mitigated his losses by finding a tenant for April, he is entitled to rent for March 2009 in the amount of \$650.00. The landlord has proven his case and is also entitled to the filing fee of \$50.00.

I order that the landlord retain the security deposit of \$325.00 in satisfaction of the claim and accordingly, I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$375.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord a monetary order in the amount of **\$375.00**.

Dated June 29, 2009.

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Dispute Resolution Officer