

# Dispute Resolution Services

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

## 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. Despite having been personally served with the notice of hearing and application for dispute resolution on March 6, the tenants did not participate in the conference call hearing.

## Issue(s) to be Decided

Is the landlord entitled to a monetary order as requested?

## Background and Evidence

The landlord testified that on February 2, 2009 the tenants gave the landlord a letter advising that they would be vacating the rental unit on March 1, 2009. The landlord testified that the tenants vacated the rental unit on February 28 and that despite having an ongoing advertisement for rentals in the building, the landlord was unable to re-rent the unit for the month of March. The landlord holds a \$425.00 security deposit and seeks an award of \$850.00, which is one month's rent.

## Analysis

Under section 45 of the Act, tenants who wish to end a tenancy are required to give one full calendar month's notice to end a tenancy. I accept the landlord's undisputed testimony and find that the tenants failed to give adequate notice. I find that the landlord acted reasonably to mitigate losses and I find that the tenants must be held responsible for the landlord's loss of income for the month of March.

## Conclusion

I award the landlord \$900.00 which represents \$850.00 in loss of income and the \$50.00 filing fee paid to bring this application. I order that the landlord retain the deposit

and interest of \$451.94 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$448.06. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated June 03, 2009.