

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, MND, 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, cleaning costs and the filing fee. The landlord applied to retain the security deposit in partial satisfaction of her claim.

The landlord testified that she received a note from the tenant on March 22, 2009 stating that the tenant would be moving out on March 31, 2009. The tenant returned on April 07, 2009 to pick up the remainder of her belongings, met with the landlord and gave the landlord her forwarding address. During this meeting, the landlord served the tenant with the notice of hearing.

Despite having been served the notice of hearing, the tenant did not attend 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, cleaning costs 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 October 01, 2008. Prior to moving in, the tenant paid a security deposit of \$430.00. The monthly rent was \$860.00 payable on the first day of each month. The tenant moved out on March 31, 2009 without giving the landlord adequate notice to end tenancy.

A move out inspection was conducted on March 31, 2009 and by signing the report, the tenant agreed to pay \$130.00 for cleaning and \$75.00 for garbage removal.

The landlord was able to re-rent the unit for May 2009 after incurring a loss of income for the month of April. The landlord also testified that the tenant owed \$565.00 for rent for March and is claiming the following:

1.	Balance rent for March	\$565.00
2.	Loss of income for April	\$860.00
3.	Cleaning and garbage removal	\$205.00
4.	Filing fee	\$50.00
	Total	\$1680.00

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 31, 2009 without giving the landlord proper notice to end the tenancy thereby causing the landlord to suffer a loss of income for April. Pursuant to section 45, the tenant must pay rent for April. The tenant agreed to pay \$205.00 for cleaning and garbage removal. Since the landlord has proven her case, she is also entitled to the filing fee of \$50.00.

I order that the landlord retain the security deposit of \$430.00 and accrued interest of \$1.62 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 \$1248.38. 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 **\$1248.38**.

Dated July 07, 2009.

Dispute Resolution Officer