



Dispute Resolution Services

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

Decision

Dispute Codes: MNDC, FF

Introduction

This hearing dealt with an application from the landlords for a monetary order for loss of rental income, and recovery of the filing fee for this application. The landlords participated in the hearing and gave affirmed testimony. Despite being served in person on April 30, 2009 with the application for dispute resolution and notice of hearing, the tenant did not appear.

Issue to be decided

- Whether the landlords are entitled to a monetary order under the Act

Background and Evidence

There is no written residential tenancy agreement in evidence for this month-to-month tenancy which began on or about January 1, 2009. Rent in the amount of \$750.00 was payable on the first day of the month. No security deposit was collected. The landlords themselves rented from the owner and, in turn, they sublet a unit to the subject tenant.

Towards the end of April 2009 the tenant gave verbal notice to the landlords of her intent to vacate the unit at the end of the month. Thereafter, she vacated the unit on or about April 30, 2009 and provided no forwarding address. The landlords claim the unit was not subsequently able to be re-rented. They themselves moved out at the close of June 2009. The landlords seek a monetary order for loss of rental income for May 2009 in the amount of \$750.00, in addition to recovery of the \$50.00 filing fee.

Analysis

Section 45 of the Act addresses **Tenant's notice** and provides, in part, as follows:

45(1) A tenant may end a periodic tenancy by giving the landlord notice to end the tenancy effective on a date that

(a) is not earlier than one month after the date the landlord receives the notice, and

(b) is the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

A landlord may be entitled to recover loss of rental income up to the earliest time that the tenant could legally have ended the tenancy. In the circumstances of this case, the tenant failed to provide notice to end tenancy pursuant to the above statutory provisions.

Based on the undisputed testimony of the landlords, I find that the landlords have established a claim of \$800.00. This is comprised of \$750.00 for loss of rental income for May 2009, in addition to the \$50.00 filing fee. I therefore grant the landlords a monetary order under section 67 of the Act for \$800.00.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlords in the amount of **\$800.00**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 10, 2009

Dispute Resolution Officer