



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNDC, MNR, 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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on August 14, the tenant did not participate in the conference call hearing.

### Issues(s) to be Decided

Is the landlord entitled to an award for loss of income?

### Background and Evidence

The landlord's undisputed testimony is as follows. The tenancy began on May 1, 2008 at which time a \$487.50 security deposit and a \$200.00 pet deposit was paid. Rent was set at \$975.00 per month. The tenant gave notice on July 10, 2009 that she would be vacating the rental unit on July 31. The landlord immediately placed advertisements in the newspaper and online, but was unable to re-rent the unit until September 1, 2009. The landlord seeks an order for lost income for the month of August.

### Analysis

I accept the landlord's undisputed testimony. Section 45(1) of the Act provides that tenants may end a month-to-month tenancy by giving notice on the day before the rent is due for the last month of the tenancy. In this case, the tenant should have given their notice no later than June 30, 2009. I find that the tenant failed to give adequate notice

to the landlord. I further find that the landlord acted quickly to minimize their losses. I find that the failure of the tenant to give adequate notice caused the landlord to lose income for the month of August and I find that the tenant must be held liable for this loss. I therefore award the landlord \$1,025.00 which represents \$975.00 in lost income for the month of August and the \$50.00 filing fee paid to bring this application. Pursuant to section 72(2)(b) of the Act, I order the landlord to retain the \$487.50 security deposit, \$200.00 pet deposit and the \$7.03 in interest which has accrued in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance of \$330.47. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted a monetary order for \$330.47 and may retain the pet and security deposits and interest.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 07, 2009.

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