



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF, MNSD

Introduction

Some written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$1267.08 and a request to retain the full security deposit towards the claim.

Background and Evidence

The applicant testified that:

- The tenant failed to give the required one clear month Notice to End Tenancy and as a result she lost the full rental revenue for the month of April 2010.
- The tenants notice came in the form of an e-mail on March 15, 2010 and the tenant vacated on March 31, 2010.
- She attempted to re-rent the unit for April 1, 2010 but was unable to do so.
- The tenant had also agreed to pay for an upgrade to the cable TV package and has failed to do so.

The applicant is therefore requesting an order as follows:

Lost rental revenue for April 2010	\$950.00
Filing fee	\$50.00
Total	\$1267.08

The applicant requests that she be allowed to keep the full security deposit of \$475.00 and that a monetary order be issued for the difference.

The respondent testified that:

- He does not dispute the excess cable charges as he did agree to pay these.
- He does not believe he should have to pay for April 2010 rent, because even though he did not give notice until March 15, 2010 he did offer to pay rent to mid-April 2010, if the landlord thought she may not be able to rent the unit.
- The landlord turned down that offer, and therefore should not be collecting any further rent.

The respondent therefore requests that the full claim other than the cable charges be dismissed and that the remainder of the security deposit be returned.

In response to the tenant's testimony the applicant testified that:

- The tenant did say that he would pay rent to mid April 2010 if she felt she was unable to re-rent the unit, however she thought she would have a better chance of renting it for the beginning of the month as few people want to rent for midmonth.

Analysis

It is my decision that the tenant is liable for the full rental revenue for the month of April 2010.



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The residential tenancy act requires that one clear month Notice to End Tenancy be given, and therefore any notice given in the month of March 2010 is valid for the end of April 2010.

The landlord attempted to re-rent the unit for April 1, 2010 to mitigate her loss however she was unable to do so and is my decision that it was not unreasonable to turn down the tenants offered to pay to mid April 2010, because generally it is easier to rent the unit for the beginning of the month.

Therefore since the tenant does not dispute the claim for cable charges, I allow the full amount claimed by the landlord.

Conclusion

I have allowed the landlords full claim of \$1267.08. I therefore order that the landlord may retain the full security deposit:

\$475.00

I further Order that the Respondent pay to the Applicant the following amount:

\$792.08

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: September 14, 2010.

Dispute Resolution Officer