



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, MND, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for a monetary order for unpaid rent, an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Issue(s) to be Decided

Is the Landlord entitled to monetary compensation from the Tenant?

Background and Evidence

Based on the affirmed testimony and the evidence provided by both of the parties, I find that the Tenant gave the Landlord a Notice to End Tenancy on June 17, 2010, and vacated the rental unit on June 29, 2010. The Tenant was required to pay rent of \$1,200.00 on the first day of the month, under the tenancy agreement.

The Landlord is claiming for one month of lost rent, due to the short Notice given by the Tenant.

Analysis

Based on the above, the testimony and evidence, and a balance of probabilities, I find that the Tenant has breached section 45 of the Act by failing to give the required Notice.

Under section 45, the Tenant was required to give his Notice no later than May 31, 2010, in order to effectively end the tenancy at the end of June 2010.

Therefore, I find that the Landlord has suffered a loss of rent for one month due to the breach of the Act by the Tenant.

Section 67 of the Residential Tenancy Act states:

Without limiting the general authority in section 62(3) [*director's authority*], if damage or loss results from a party not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party.

I find that the Landlord has established a total monetary claim of **\$1,250.00** comprised of one month of rent and the \$50.00 fee paid for this application.

I order that the Landlord retain the deposit of **\$600.00** in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of **\$650.00**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

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: November 29, 2010.

Dispute Resolution Officer