



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF MNDC MNR MNSD

### Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and an order allowing retention of the security deposit in partial satisfaction of the claim. Both parties attended the hearing and had an opportunity to be heard.

### Issue(s) to be Decided

Is the landlord entitled to the requested orders?

### Background and Evidence

This tenancy began on July 1, 2010 and ended on February 28, 2011. The rent was \$1,050.00 per month and a security deposit of \$525.00 was paid at the start of the tenancy. On February 1, 2011 the tenants gave notice that they were ending the tenancy effective February 28, 2011. The landlord re-rented the rental unit for April 1, 2011.

### Analysis

The landlord has made a monetary claim in the amount of \$1,050.00. The landlord makes this claim on the basis of Section 45 of the Act which provides as follows:

#### **Tenant's notice**

**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.

In the present case, pursuant to Section 45, the tenants should have given notice by no later than January 31, 2011. As a result of their late notice, the tenants remained liable for the rent for March.

### Conclusion

Based on the foregoing, I find that the landlord has established a monetary claim in the amount of \$1,100.00 comprised of \$1,050.00 in unpaid rent for March and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit and interest (\$0.00) of \$525.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$575.00. This order may be filed in the Small Claims Court 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*.