



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

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

I also gave the landlord the opportunity to testify at the hearing.

The landlord testified that the tenant was served with notice of the hearing by registered mail that was mailed on September 16, 2011, to the forwarding address given by the tenant, however the tenant did not join the conference call that was set up for the hearing.

The tenant had also filed her own application for dispute resolution and that hearing was set for this same hearing time, as a cross application, and therefore she was fully aware of today's hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlord. Both files were heard together.

The tenant's application is a request for return of her security deposit double.

The landlord's application is a request for an order to keep the full security deposit and a request for recovery of his \$50.00 filing fee.

Background and Evidence

The landlord testified that:

- The tenant did not give the required one clear month Notice to End Tenancy.
- The tenant informed him at the end of March 2011 that she would be vacating on April 1, 2011.
- He attempted to re-rent the unit for as soon as possible however he was unable to rent the unit until May 1, 2011 and therefore lost the full rental revenue for the month of April 2011.

The landlord is therefore requesting an order to keep the full security deposit to cover a portion of his losses, and requests recovery of his \$50.00 filing fee.

Analysis

The Residential Tenancy Act requires that a tenant give at least one clear month Notice to End Tenancy, and if a tenant fails to do so the tenant is liable for any loss resulting to the landlord.

In this case the tenant failed to give the required notice and as a result the landlord did lose the full rental revenue of \$725.00 for the month of April 2011.

Therefore I will allow the landlords full claim.

Conclusion

Landlord's application

I hereby order that the landlord may retain the full security deposit of \$362.50, and I have issued a monetary order in the amount of \$50.00 to cover the cost of the filing fee paid by the landlord.

Tenant's application

The tenant's application is dismissed in full without leave to reapply.

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: October 17, 2011.

Residential Tenancy Branch