



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD

Introduction

Some documentary evidence and written arguments have been submitted by the parties 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.

Issue(s) to be Decided

This is a request for a monetary order in the amount of \$700.00 and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenants did not give the required one month Notice to End Tenancy and as a result he lost the full rental revenue for the month of September 2011.
- The tenants gave written notice on August 15, 2011 that they would be vacating at the end of August 2011.
- The tenants did vacate at the end of August 2011 and did not pay any rent for the month of September 2011.

- They attempted to re-rent the unit for the month of September 2011; however they were unable to do so even though the unit was advertised for rent.
- He is therefore requesting an order for the full September 2011 rent in the amount of \$700.00, plus the \$50.00 filing fee for a total of \$750.00.
- He further requests an order allowing him to keep the full security deposit of \$350.00 towards the claim, and requests that a monetary order be issued for the difference.

The respondent testified that:

- They did give notice on August 15, 2011 that they would be vacating at the end of August 2011, and they did move out on August 31, 2011.
- At the time they were not certain that they would be out before September 2011 and therefore he believes they paid the full September 2011 rent in cash.
- He is unable to find the September 2011 rent receipt.

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

- The tenants did not pay any rent for the month of September 2011 and therefore there is no receipt for the September 2011 rent.

Analysis

It is my finding that the tenant has not met the burden of proving that any rent was paid for the month of September 2011.

The tenant did not give the required one clear month Notice to End Tenancy and as a result the landlord lost the full rental revenue for the month of September 2011.

I accept the landlord's testimony that they advertised and attempted to re-rent the rental unit but were unable to do so.

Therefore it is my decision that the tenants are liable for the full lost rental revenue for September 2011 in the amount of \$700.00.

I also allow the landlords request for recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlords full claim of \$750.00 and I therefore order that the landlord may retain the full security deposit of \$350.00 and have issued a monetary order in the amount of \$400.00.

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 12, 2011.

Residential Tenancy Branch