



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order permitting her to retain the security deposit. Despite having been served with the application for dispute resolution and notice of hearing via registered mail sent to the forwarding address provided by the tenant, the tenant did not participate in the conference call hearing.

Issue to be Decided

Should the landlord be permitted to retain the security deposit?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenancy began on February 1, 2009 and ended on September 30, 2011. The tenant paid a \$250.00 security deposit on January 7, 2009. On September 2, 2011, the tenant served the landlord with written notice that she would be vacating the rental unit on September 30, 2011. The landlord made efforts to re-rent the unit by advertising it in the local newspaper and by placing a sign outside the building but was unable to secure a new tenant for the month of October.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant failed to give one full month's notice to end the tenancy as is required by the Act. In order to end her tenancy on September 30, the tenant would have had to provide written notice no later than August 31. I find that the landlord suffered a loss of income as a result of the tenant's failure and I find that the landlord is entitled to retain the security deposit in full satisfaction of that claim.

Although the landlord had applied to recover the filing fee paid to bring her application, at the hearing she stated that she did not wish to receive a monetary order for \$50.00.

Conclusion

The landlord may retain the \$250.00 security deposit.

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: January 12, 2012

Residential Tenancy Branch