



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for unpaid rent.

Although duly served with the Application for Dispute Resolution and Notice of Hearing by personal service on February 7, 2012, the tenant did not appear.

The landlord appeared, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form and make submissions to me.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order for unpaid rent?

### Background and Evidence

The tenancy began on December 1, 2009. Rent in the amount of \$1,300.00 was payable on the first of each month. A security deposit of \$600.00 was paid by the tenant.

The landlord testified on December 2, 2011, the tenant provided verbal notice to end tenancy and the effective date was December 31, 2011. The landlord states the tenant new she was not providing proper notice and she agreed she was responsible for paying January 2012, rent.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

#### **Section 45 of the Act states: 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 this case, the tenant provided the landlord with verbal notice to end tenancy on December 2, 2011. Under the terms of the tenancy agreement rent is due on the first of the month. Therefore, the earliest date the tenant could have legally ended the tenancy was January 31, 2012. Therefore, I find the landlord is entitled to compensation for unpaid rent in the amount of \$1,300.00.

I find the landlord has established a total monetary claim of **\$1,350.00** comprised of rent owed, and the \$50.00 fee paid by the landlord for this application.

### Conclusion

The landlords are granted a monetary order for rent due.

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: March 29, 2012.

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Residential Tenancy Branch