



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR, MNDC, MNSD, FF

### Introduction

This hearing concerns the landlord's application for a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing by way of registered mail, the tenants did not appear. Evidence submitted by the landlord's agent includes the Canada Post tracking number for the registered mail.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from November 15, 2011 to November 30, 2012. Monthly rent of \$890.00 and parking of \$10.00 are both due and payable in advance on the first day of each month. A security deposit of \$450.00 was collected. A move-in condition inspection report was completed with the participation of both parties.

By letter dated April 11, 2012, one of the tenants gave notice to end the tenancy effective May 15, 2012. A move-out condition inspection report was completed with the participation of both parties on May 15, 2012. The tenant provided a forwarding address on the move-out condition inspection report.

Compensation sought by the landlord in the amount of \$959.00 is as follows:

- \$450.00: unpaid rent for the period from May 16 to 31, 2012
- \$ 59.00: carpet cleaning
- \$400.00: liquidated damages (pursuant to a provision in the tenancy agreement)

\$50.00: filing fee

### Analysis

Section 45 of the Act speaks to **Tenant's notice**, and provides in part as follows:

45(2) A tenant may end a fixed term 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,
- (b) is not earlier than the date specified in the tenancy agreement as the end of the tenancy, and
- (c) 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.

Based on the documentary evidence, the affirmed / undisputed testimony of the landlord's agent, and in consideration of the above statutory provisions, I find that the landlord has established entitlement to compensation as detailed above in the amount of \$959.00. I order that the landlord retain the security deposit of \$450.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$509.00 (\$959.00 - \$450.00).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$509.00**. Should it be necessary, this order may be served on the tenants, 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*.

Dated: July 24, 2012.

---

Residential Tenancy Branch