



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MND, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order allowing the landlord to the security deposit; and
3. An Order to recover the filing fee pursuant to Section 72.

Both parties appeared and gave evidence under oath.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Background

The evidence of the parties is that the tenant gave notice to vacate the rental unit on September 19 or 20, 2012 effective October 1, 2012. The landlord attempted to re-rent the premises for October 1, 2012 but was unsuccessful. The landlord is seeking to retain the security deposit in compensation for loss of revenue for October, 2012 and in recovery of the filing fee paid for this matter.

Analysis and Findings

The Act requires a tenant to give 30 days written notice prior to vacating a rental unit. In this case the evidence is that the tenants gave their notice on September 19, or 20, 2012. Section 45 of the Act says that 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.

Having given their written notice on either September 19 or 20, 2012 the earliest time the tenancy could end would be October 31, 2012, however the tenants vacated without paying October's rent and therefore did not give proper notice.

I therefore find that is appropriate to award the security deposit to the landlords as claimed.

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 07, 2013.

Residential Tenancy Branch

