



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 by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for loss of income and for the recovery of the filing fee.

The landlord testified that she served the tenant with the notice of hearing and evidence package by registered mail to the forwarding address provided by the tenant in writing. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for loss of income and for the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started on June 01, 2011. The monthly rent at the time the tenancy ended was \$938.70.00 payable on the first of each month.

The landlord testified that the rental office is located in the lobby of the building complex that houses the rental unit. On March 30, 2013, a staff member of the rental office noticed the tenant moving his belongings out. The tenant confirmed that he was moving out and provided the landlord with his forwarding address.

The landlord testified that efforts to find a tenant for April 2013 were unsuccessful. A new tenant was found for May 01, 2013. The landlord is claiming loss of income for April in the amount of \$938.70.

Analysis

Section 45 of the *Residential Tenancy Act*, states that a tenant may end a periodic tenancy by giving the landlord notice to end the tenancy effective on a date that is not earlier than one month after the date the landlord receives the notice and is the day before the day in the month that rent is payable under the tenancy agreement.

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant did not give the landlord adequate notice to end the tenancy, thereby causing the landlord to suffer a loss of income for the month of April 2013. The landlord attempted to mitigate her losses by actively looking for a tenant but was unsuccessful. Accordingly, I find that the landlord is entitled to **\$938.70**, which is the loss that she suffered.

Since the landlord has proven her case she is also entitled to the recovery of the filing fee of **\$50.00**.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount due of **\$988.70**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of **\$988.70**.

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 03, 2013

Residential Tenancy Branch

