



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capital Region Housing Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR, MNDC, FF

Introduction

This hearing was scheduled in response to 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 / and recovery of the filing fee. The landlord's agents attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the tenant did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "successfully delivered."

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on August 1, 2010, and a security deposit of \$350.00 was collected on July 8, 2010. A move-in condition inspection report was completed with the participation of both parties. For the period from October 1, 2012 to September 30, 2013, the amount of the tenant's rent contribution was set at \$554.00.

In writing by date of July 2, 2013, the tenant gave notice to end tenancy effective July 31, 2013. A move-out condition inspection report was completed with the participation of both parties, and the tenant provided her forwarding address on the "security deposit return form." The landlord's agents testified that the parties reached agreement in relation to the disposition of all issues at the end of the tenancy, with the exception of the tenant's responsibility for any loss of rental income suffered by the landlord as a

result of the tenant's insufficient notice to end tenancy. As the landlord subsequently found new renters effective August 17, 2013, the landlord seeks compensation for loss of rental income for the period from August 1 to 16, 2013, and recovery of the filing fee.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 45 of the Act addresses **Tenant's notice**, in part as follows:

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.

Section 7 of the Act speaks to **Liability for not complying with this Act or a tenancy agreement**:

7(1) If a landlord or tenant does not comply with this Act, the regulations or their tenancy agreement, the non-complying landlord or tenant must compensate the other for damage or loss that results.

(2) A landlord or tenant who claims compensation for damage or loss that results from the other's non-compliance with this Act, the regulations or their tenancy agreement must do whatever is reasonable to minimize the damage or loss.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agents, I find that the tenant's manner of giving notice to end the periodic tenancy does not comply with the relevant statutory provisions set out above. I further find that the landlord undertook appropriate measures in a timely fashion to find new renters effective August 17, 2013. In the result, I find that the landlord has established entitlement to compensation for loss of rental income in the amount of \$286.00 for the period from August 1 to 16, 2013, in addition to recovery of the \$50.00 filing fee.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$336.00** (\$286.00 + \$50.00). Should it be necessary, this order may be served on the tenant, 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: November 25, 2013

Residential Tenancy Branch

