



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Remax Check Realty  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order and an permitting retention of the security deposit and pet damage deposit in full or partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail actually received October 7, 2013, the tenant did not appear.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

### Background and Evidence

This month-to-month tenancy commenced December 1, 2012. The monthly rent of \$630.00 was due on the first day of the month. The tenant paid a security deposit of \$315.00 and a pet damage deposit of \$315.00.

On September 6, 2013, the tenant gave notice that he was vacating the rental unit immediately. The landlord was not able to re-rent the unit until December 1.

### Analysis

Section 45 of the *Residential Tenancy Act* provides that a tenant may end a periodic tenancy by giving the landlord notice 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 the rent is payable under the tenancy agreement. In other words, when the rent is payable on the first day of the month, notice must be given on or before the last day of the month.

The effective date of the notice to end tenancy given by the tenant was October 31, 2013, and the tenant was responsible for the rent until then. Accordingly, I find that the tenant must pay the landlord the sum of \$630.00 for the October rent.

### Conclusion

I find that the landlord has established a total monetary claim of \$680.00 comprised of unpaid rent for October in the amount of \$630.00 and the \$50.00 fee paid by the

landlord for this application. Pursuant to section 72, I order that the landlord retain the security deposit of \$315.00 and the pet damage deposit of \$315.00 in partial satisfaction of the claim and I grant the landlord a monetary order for the balance of \$50.00. If necessary, this order may be filed in 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: January 16, 2014

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Residential Tenancy Branch

