



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC O

Introduction

This hearing dealt with an application by the tenant for monetary compensation. The tenant and both landlords participated in the teleconference hearing.

At the outset of the hearing, the landlord acknowledged that they received the tenant's application. Neither party submitted any documentary evidence. Both parties were given full opportunity to give testimony. I have reviewed all testimonial evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation as claimed?

Background and Evidence

The landlord and the tenant entered into an agreement for a tenancy that was to begin on October 1, 2013. The tenant paid the landlord \$650 in advance for October 2013 rent. On September 28 or 29, 2013 the tenant called the landlord and told them that he was not going to move in. The tenant has applied to have the landlord pay back the \$650 he paid for rent.

The tenant stated that the landlord told him they would return his rent. The landlord stated that they told the tenant they would return whatever portion of his rent he was entitled to once they re-rented the unit. The landlord stated that they re-rented the unit for November 1, 2013, so they did not return any of the tenant's rent.

Analysis

Under the Act, a tenant who wishes to end a tenancy or decides not to enter into the tenancy must give the landlord notice at least one month before the date that the tenancy will end, on the date before rent is due. If the tenant gives late notice, the tenant may be responsible for the landlord's loss of revenue for the following month. In this case, the tenant was required to give notice on or before August 31, 2013 that he did not intend to move in to the rental unit. Because the tenant gave late notice and the landlord was not able to re-rent the unit before the end of October 2013, the tenant is responsible for the landlord's lost revenue for the full month of October 2013.

Conclusion

The tenant's application is dismissed.

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: April 7, 2014

Residential Tenancy Branch

