



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 seeking a monetary order for loss of revenue. Both parties participated in the conference call hearing. The tenants confirmed that they received the landlords' Notice of Hearing letter, Application for Dispute Resolution and evidence. The landlord confirmed that he received the tenants' evidence. I am satisfied that the parties have exchanged said documents in accordance with the service provisions of the Act and the Rules of Procedure.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background, Evidence and Analysis

The landlord's testimony is as follows. The tenancy began on July 1, 2014 and ended on September 7, 2014. The tenants were obligated to pay \$900.00 per month in rent in advance.

I address the landlord's claims and my findings around each as follows.

Landlords Claim – The landlord stated that on August 28, 2014 the tenants advised him of some deficiencies in the unit. The landlord stated that he would attempt to resolve as many of the items as he could. The landlord stated that the following day the tenants gave notice that they would be moving out by September 7, 2014. The landlord is seeking \$900.00 for the loss of revenue as he was unable to rent the suite with such short notice.

The tenants dispute this claim. The tenants stated that they were without water for two days and that they "had enough and had to get out of there". The tenants stated the agreement was very casual and that they had the option to opt out of the tenancy.

The landlord provided a tenancy agreement that reflects a month to month tenancy to support his claim. In addition, the tenants failed to provide sufficient evidence to support their position that the unit was uninhabitable.

Section 45 of the Act addresses the issue before me 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.

As the tenants have failed to provide proper notice to end the tenancy as required, I find that the landlord is entitled to \$900.00 for loss of revenue.

The landlord is also entitled to the recovery of the \$50.00 filing fee.

Conclusion

The landlord has established a claim for \$950.00. I grant the landlord an order under section 67 for the balance due of \$950.00. This order may be 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: May 25, 2015

Residential Tenancy Branch

