



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, O, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order. Both parties participated in the conference call hearing.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The facts are not in dispute. On or about July 29, 2014, the parties entered into a tenancy agreement under which the tenant was obligated to pay \$3,250.00 per month. The tenancy was set to commence on November 1, 2014 and the agreement contained the following provision:

Term: commencing November 01, 2014, vacating no later than April 30, 2015 (firm date within time frame to be decided)

On or about September 10, 2014, the tenant sent the landlord an email, which he acknowledged receiving, advising that she would not be renting the unit.

The landlord seeks to recover unpaid rent for the period from November 1, 2014 – April 30, 2015 claiming that the tenancy was a fixed term tenancy.

Analysis

In order to find that the tenancy was a fixed term tenancy, the written agreement must specify the period of time in which the tenant was obligated to pay rent for the unit. The term above simply requires the tenant to vacate by April 30, 2015 but does not require

her to stay in the rental unit for a specific period of time. I find that as the agreement does not specify a fixed term, it is a month-to-month tenancy.

Section 45(1) of the Act provides that a tenant may end a periodic (month-to-month) tenancy by giving one full month's notice. As the tenant gave 6 weeks' notice that she was ending her tenancy, I find that she complied with the requirements of the Act and is not liable for any loss of rental income suffered by the landlord.

Conclusion

The claim 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: August 28, 2015

Residential Tenancy Branch

