



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the documentary evidence and application for dispute resolution and notice of hearing by registered mail on April 24, 2015, the tenant did not participate in the conference call hearing. OR Both parties participated in the conference call hearing.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background, Evidence

The landlord's undisputed testimony is as follows. The tenancy was scheduled to begin on May 1, 2015 for a fixed term of one year. The tenants were obligated to pay \$3300.00 per month in rent in advance and at the outset of the tenancy the tenants paid a \$1650.00 security deposit. The landlord stated that on April 2, 2015 the tenant phoned to advise that he no longer wanted the unit and was requesting the return of his deposit. The landlord stated that the tenant provided a written letter to confirm his intentions on April 19, 2015. The landlord stated that despite his best efforts he was unable to rent the unit for May 1, 2015. The landlord is seeking the loss of revenue for the month of May 2015.

Analysis

Tenant's notice

- 45** (2) A tenant may end a fixed term tenancy by giving the landlord notice to end the tenancy effective on a date that

(c) 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 tenant did not provide the landlord with the full and required notice to end the tenancy I find that the landlord incurred a loss of revenue due to the tenants' actions. In the absence of any disputing evidence or documentation from the tenant, I find that the landlord is entitled to the loss of revenue for May 2015 in the amount of \$3300.00.

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

Conclusion

The landlord has established a claim for \$3350.00. I order that the landlord retain the \$1650.00 security deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1700.00. 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: September 28, 2015

Residential Tenancy Branch

