



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for loss of income and for the filing fee.

The landlord testified that he served the tenant with the notice of hearing and evidence package by registered mail to the forwarding address provided by the tenant. The landlord filed a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for loss of income and for the filing fee?

Background and Evidence

The landlord testified that the tenancy started on July 15, 2013 for a fixed term of one year after which the tenancy continued on a month to month basis. The monthly rent at the time the tenancy ended was \$1,625.00 payable on the first of each month.

The landlord testified that on November 03, 2014, the tenant sent the landlord a text message informing him that "*Nov could be our last month here*". The text message also let the landlord know that the tenant would "*confirm later this week*". On November 05, 2014, in answer to the landlord's inquiry by text message regarding the notice to end tenancy, the tenant confirmed that November 2014 was the last month of tenancy. The landlord filed copies of the conversation by text message between the two parties.

The landlord testified that he started looking for a tenant for December 2014 immediately and had a few showings. The landlord also filed copies of the text messages to the tenant making the arrangements for showing the rental unit. The landlord stated that despite his efforts to find a new tenant he was not successful in finding one for December 2014. A new tenant moved in on January 01, 2015.

The landlord is claiming the loss of income that he suffered from the vacancy in December in the amount of one month's rent - \$1,625.00. The landlord is also claiming the recovery of the filing fee.

Analysis

Section 45 of the *Residential Tenancy Act*, states that a tenant may end a periodic tenancy by giving the landlord notice to end the tenancy 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 rent is payable under the tenancy agreement.

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant did not give the landlord adequate notice to end the tenancy, thereby causing the landlord to suffer a loss of income for the month of December 2014. The landlord attempted to mitigate his losses by actively looking for a tenant but was unsuccessful. Accordingly, I find that the landlord is entitled to **\$1,625.00**, which is the loss that he suffered.

Since the landlord has proven his case he is also entitled to the recovery of the filing fee of **\$50.00**. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount due of **\$1,675.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of **\$1,675.00**.

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: October 08, 2015

Residential Tenancy Branch

