



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, FF

Introduction

This matter dealt with an application by the Landlord for a monetary order for loss of rental income as well as to recover the filing fee for this proceeding.

The Landlord served the Tenants with the Application and Notice of Hearing by registered mail on May 20, 2009. According to the Canada Post online tracking system, the Tenants received the hearing packages on May 25 and 29, 2009 respectively. I find that the Tenants were served as required by s. 89 of the Act and the hearing proceeded in their absence.

Issues(s) to be Decided

1. Is the Landlord entitled to compensation for a loss of rental income and if so, how much?

Background and Evidence

This tenancy started on May 1, 2008 as a one year fixed term tenancy which was to continue thereafter on a month to month basis. The tenancy ended on May 5, 2009. Rent was \$700.00 per month. The Tenants paid a security deposit of \$350.00 on April 23, 2008.

The Tenants gave the Landlord written notice on April 22, 2009 that they intended to end the tenancy on April 30, 2009. The Landlord said the rental unit was advertised for immediate availability but was not re-rented until July 1, 2009. The Tenants signed the move out condition inspection report authorizing the Landlord to apply their security deposit to rent for May 2009.

Analysis

Under section 45(1) of the Act, a Tenant of a month-to-month tenancy must give a Landlord one clear months notice they are ending the tenancy. Consequently, the earliest the Tenants' notice dated April 22, 2009 could have taken effect would have



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
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been May 31, 2009. As a result, I find that the Landlord is entitled to recover loss of rental income for May 2009 of \$700.00. I also find that the Tenants gave their written authorization to the Landlord to apply the security deposit to May rent and as a result, the Landlord will receive a monetary order for the balance owing as follows:

Loss of rental income	
For May 2009:	\$700.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$750.00
Less: Security deposit:	(\$350.00)
Accrued interest:	<u>(\$3.63)</u>
Balance Owing:	\$396.37

Conclusion

A monetary order in the amount of **\$396.37** has been issued to the Landlord and a copy of it must be served on the Tenants. If the amount is not paid by the Tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: August 14, 2009.

Dispute Resolution Officer