

DECISION

Dispute Codes: MNR, FF

This hearing dealt with an application by the landlord for a monetary order for loss of income. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on May 25, 2009, the tenants did not participate in the conference call hearing.

On November 25, 2008, the landlord collected a security deposit from the tenants in the amount of \$375.00. The tenancy began on December 1, 2008 for a fixed term ending on November 30, 2009. Rent in the amount of \$750.00 was payable in advance on the first day of each month. On March 26, 2009, the tenants gave the landlord notice to end tenancy for the end of April. On April 30, 2009, the tenants moved out of the unit.

The landlord said that since March 26, 2009, she had advertised to re-rent the unit by placing ads in the followings: permanent signage around Nanaimo, a rental website, the landlord's own website and the Nanaimo Daily News. Despite these efforts, the landlord was unable to re-rent the unit until July 1, 2009. The landlord is therefore seeking recovery of the loss of income for the months of May and June in the amount of \$1500.00.

One of the provisions of Section 45 of the *Residential Tenancy Act* states that "A tenant may end a fixed term tenancy by giving the landlord notice to end the tenancy effective on a date that is not earlier than the date specified in the tenancy agreement as the end of the tenancy". In this case, the tenancy was for a fixed term ending November 30, 2009 whereas the tenants ended tenancy on April 30, 2009. The landlord is therefore entitled to recovery of the loss of income that resulted from the tenants' breach of Section 45 of the *Act*. Accordingly, I find that the landlord has established a claim for loss of income for

\$750.00 for each of the months of May and June for a total amount of \$1500.00.
The landlord is also entitled to recovery of the \$50.00 filing fee.

Based on the above, I grant the landlord an order under section 67 for the balance due of \$1550.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 02, 2009.