



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

The landlord applies to retain the tenant's security deposit in satisfaction of rent claimed to be owed for the last half of December 2014.

Issue(s) to be Decided

Does the relevant evidence presented at hearing show on a balance of probabilities that the landlord is owed rent?

Background and Evidence

The rental unit is a bachelor apartment in the upper portion of a house.

The written tenancy agreement shows that the tenancy started on September 15, 2014 and was for a fixed term ending December 31, 2014 at a monthly rent of \$875.00 payable on the first of each month. The tenant paid and the landlord holds a \$440.00 security deposit.

It is not in dispute that in late October the tenant texted the landlord that she would be vacating the premises by December 15, 2014.

The landlord attempted to re-rent the premises for mid-December, but was unsuccessful.

The tenant's representative raised issues regarding the state of the premises and the presence of mice. She argued that the tenancy went from the 15th of each month and so the tenant should be entitled to end the tenancy on the 15th of December.

Analysis

The issues of mice and cleaning are not relevant to this dispute.

The tenancy agreement is unambiguous. It states that the term of the tenancy runs to December 31, 2015. The tenant is bound by that provision and cannot not unilaterally end the agreement earlier.

The landlord is entitled to the \$437.50 remainder of the rent for December 2014, plus recovery of the \$50.00 filing fee.

He chooses to retain the \$440.00 security deposit in full satisfaction.

Conclusion

I grant the landlord a monetary award of \$437.50 plus the \$50.00. I direct that he retain the \$440.00 security deposit in full satisfaction of the award.

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: March 24, 2015

Residential Tenancy Branch

