



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes: MNR, FF

Introduction

This is the Landlords' application for a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed evidence and this matter proceeded on its merits.

Issue(s) to be Decided

- (1) Are the Landlords entitled to a Monetary Order for loss of revenue for the month of July, 2009 and unpaid utilities?
- (2) Are the Landlords entitled to recover the filing fee from the Tenants?

Background and Evidence

The Landlord PD testified that she mailed the Tenants the Notice of Hearing documents, by registered mail, to the Tenant's residence on September 11, 2009. The Landlords provided the registered mail receipt and tracking number. The Landlord PD testified that the registered mail documents were returned to the Landlords on September 30, unclaimed. After a series of unsuccessful attempts to serve the Tenants in person, an RCMP officer personally served the Tenants with the Notice of Hearing documents on November 3, 2009 at 5:45 p.m. A copy of the certificate of service was entered into evidence.

The Landlords testified that on June 26, 2009, they were provided with an Order of Possession for unpaid rent and Monetary Order as a result of an Application made

under Section 74(2)(B) of the Act. The security deposit paid by the Tenants was set-off against the Landlords' monetary award. The Tenants vacated the rental unit on July 6, 2009.

Monthly rent for the rental unit is \$1,340.00. The Landlords testified that they attempted to re-rent the rental unit immediately, by advertising in the local newspaper every Tuesday and Thursday. The Landlords showed the rental unit to approximately 30 people and were successful in re-renting the rental on July 28, 2009.

The Landlords testified that the Tenants were responsible for paying utilities under the rental agreement. The Tenants were in arrears of utility payments in the amount of \$327.72. The Landlord PD provided the Tenants with written notice to pay the outstanding utilities on June 26, 2009, but the Tenants have not paid the outstanding utilities. The Landlords provided a copy of the printout of utilities bill for the subject property, indicating a balance owing as at July 6, 2009, in the amount of \$327.72.

Analysis

Based on the affirmed testimony of the Landlords and the documentary evidence provided in support of their claim, I am satisfied that the Tenants were served with the Notice of Hearing documents. Despite being served with the documents, the Tenants did not sign into the Hearing, and we proceeded in their absence.

The Tenants did not vacate the rental property until July 6, 2009. I am satisfied that the Landlords attempted to re-rent the rental property in a timely fashion. I find that the Landlords are entitled to recover their loss of revenue from the Tenants for the month of July, 2009, in the amount of \$1,340.00.

I am satisfied on the testimony and evidence provided by the Landlords that the Tenants were responsible to pay utilities under the tenancy agreement and that \$327.72 remained unpaid by the Tenants at the end of the tenancy. I find that the Landlords are

entitled to a monetary award in the amount of \$327.72 against the Tenants for unpaid utilities.

The Landlords have been successful in their application and are entitled to recover the cost of the filing fee in the amount of \$50.00 from the Tenants.

Conclusion

I grant the Landlords a Monetary Order against the Tenants in the amount of \$1,717.72. This Order must be served on the Tenants and may be filed in the Provincial Court of British Columbia (Small Claims) 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.

December 9, 2009

Date of Decision
