

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing was convened by way of conference call to deal with the landlords' application for a monetary order for unpaid rent, for an order permitting the landlords to retain the security deposit in partial satisfaction of the claim, and to recover the filing fee from the tenant for the cost of this application. The landlords are claiming unpaid rent, as well as loss of revenue for no notice by the tenant to vacate the unit.

Despite having been served with the application for dispute resolution and notice of hearing by registered mail on February 19, 2010, the tenant did not participate in the conference call hearing.

Issues(s) to be Decided

Are the landlords entitled to a monetary order for unpaid rent?

Are the landlords entitled to a monetary order for loss of revenue?

Are the landlords entitled to retain the security deposit in partial satisfaction of their claim?

Background and Evidence

This month-to-month tenancy began on February 1, 2008. The tenant paid a security deposit in the amount of \$425.00 on January 10, 2008. Rent is payable on the 1st day of each month in the amount of \$850.00.

The tenant failed to pay rent in full for the month of January, 2010, and still owes \$100.00. The tenant further failed to pay any rent for the month of February, 2010. On February 11, 2010, the tenant verbally notified the landlords that she would be vacating the rental premises on February 28, 2010.

The landlords placed advertisements on Craig's List as well as Kijiji, but were unable to get ahold of the tenant to get access to the suite to show it. The first showing was on February 28, 2010, and at that time, it was noticed that there were cat feces in the basement and the unit had a bad odour. The landlords were able to re-rent the unit, but

the new tenants cannot move in until April 1, 2010 because they have to give proper notice for the premises that they are currently renting.

Analysis

The tenant was deemed to be served with the Application and notice of hearing documents 5 days after mailing, being February 24, 2010. I find that the landlords have established a claim for \$950.00 in unpaid rent. I also find that the landlords did attempt to mitigate any loss of revenue, and are entitled to a monetary order for that loss for the month of March, 2010 in the amount of \$850.00. The landlords are also entitled to recovery of the \$50.00 filing fee.

Conclusion

I order that the landlords retain the deposit and interest of \$431.22 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,418.78. This order may be filed in the Small Claims Court 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: March 26, 2010.

Dispute Resolution Officer