

DECISION AND REASONS

Dispute Codes: MNR & FF

Introduction:

This hearing dealt with an application by the landlords seeking a monetary Order related to unpaid rent and utilities. Both parties appeared for the hearing and were provided the opportunity to be heard and respond to the evidence of the other party.

Issues to be Determined:

Have the landlords established a monetary claim under the *Act* due to non-payment of rent and utilities?

Background and Evidence:

This tenancy began on July 1, 2008 for a fixed term tenancy ending effective June 30, 2009. The monthly rent was \$1,400.00 and a security deposit of \$700.00 was paid. The tenancy agreement confirms the agreement that the tenant was responsible for the utility costs for the rental unit. The tenancy ended effective September 30, 2008; however the parties agree that the tenant vacated on approximately October 1 or 2nd, 2008.

The landlords are seeking a monetary claim for loss related to non-payment of rent for October 2008 for the sum of \$1,400.00 and outstanding utilities of \$206.00. The landlords provided evidence of two cheques provided to them from the tenant for approximately these sums that had insufficient funds. The landlords also provided copies of the utility statements.

The tenant only argued that the landlords had no intent to rent the unit after he vacated and that they are attempting to sell the rental unit.

The landlords responded that the tenancy ended due to the tenant's failure to pay rent and to respond to a 10 day Notice to End Tenancy and that they have lost rent for October 2008 due to the tenant's failure to comply with that notice. The landlords provided evidence of a previous dispute resolution decision dated September 30, 2008 confirming that an immediate Order of Possession was granted to the landlords due to the tenant's failure to respond to the 10 day Notice to End Tenancy.

Analysis:

I accept the landlord's application. I find that the landlords have established a monetary claim for the sum of \$1,656.00 comprised of the outstanding rent for October 2008 for \$1,400.00, \$206.00 in outstanding utility charges plus the recovery of the \$50.00 filling fee paid by the landlords for this application.

I do not accept the tenant's argument that he is not responsible for the loss of rent in October 2008 because of his allegation that the landlords intended to rent. The tenant signed a fixed term lease to the end of June 2009 and as a result of his failure to pay

the rent the tenancy ended early. I find it is reasonable that as a result the landlords did not receive possession of the rental until approximately October 2, 2008 and that the landlords suffered a loss of rental income for this month.

I grant the landlords a monetary Order of the sum of **\$1,656.00**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

I have granted the landlords' application for a monetary Order related to loss of rent and outstanding utilities.

Dated February 10, 2009.

Dispute Resolution Officer