

## **DECISION**

**Dispute Codes:** MNR, OPB, OPR, MNSD, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing in person on February 27, 2009, the tenants did not participate in the conference call hearing.

The landlord withdrew his application for an order of possession. He explained that sometime in early April, he discovered that the tenants had moved out. He thought that the tenants might have moved out sometime in late March. I therefore dismiss the landlord's application for an order of possession.

On July 21, 2007, the landlord collected a security deposit from the tenants in the amount of \$400.00. The tenancy began on August 15, 2007. Rent in the amount of \$827.00 was payable in advance on the first day of each month. The tenants failed to pay rent in the month of February, 2009 and on February 10, the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of March.

The landlord is seeking to recover from the tenants outstanding rent for the month of February in the amount of \$827.00. The tenants lived in the rental unit until end of March. The landlord is therefore seeking to include a claim for loss of income for the month of March in the amount of \$827.00. I find that the tenants should reasonably have known that the landlord could not re-rent the unit while they were still in residence and I allow the claim for a further \$827.00.

During the hearing, the landlord requested for his claim to include a loss of income for the month of April. He explained that after the tenancy ended, the unit needed extensive clean up and repairs before it can be re-rented. I dismiss

the landlord's claim in this regard with leave to re-apply. The landlord may apply for a monetary order for such losses when he completes the necessary clean up and repairs.

As for the monetary order, I find that the landlord has established a claim for \$827.00 in unpaid rent and \$827.00 in loss of income. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the security deposit and interest of \$408.74 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1295.26. This order may be filed in the Small Claims Court and enforced as an order of that Court.