



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

2

Decision and Reasons

Dispute Codes:

FF,

MNDC,

O

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

The Landlord gave affirmed evidence at the Hearing and the Hearing proceeded on its merits.

Preliminary Matter

At the onset of the Hearing, the Landlord testified that all of the Tenants had moved out of the rental unit. Furthermore, the Landlord testified that the Tenants had paid the Landlord the total amount owing for loss of rent for the month of May, 2009. Therefore, the Landlords’ claims for a Monetary Order for loss of rent, and for an Order of Possession are dismissed without leave to re-apply.

The Landlord stated that he was applying today for recovery of the \$50.00 fee for the cost of filing the application.

Background and Evidence

The Landlord testified that he mailed the Tenants MB and VB the Notice of Hearing package on May 2, 2009, by registered mail to the rental unit. The Landlord provided tracking numbers for the registered mail packages and testified that he had received confirmation that the Tenants received the packages.

The Landlord testified that he personally served the Tenant DR with the Notice of Hearing package, at his new residential address on May 2, 2009.

The Landlord testified that the Tenants paid a security deposit in the amount of \$900.00 on May 1, 2006.

The Landlord testified that the Tenants MB and VB did not provide a forwarding address when they vacated the rental unit.

Analysis

I accept the Landlord's testimony that he duly served the Tenants with the Notice of Hearing packages. Despite being duly served, the Tenants did not appear at the Hearing and the Hearing proceeded in their absence.

I find that the Landlords are entitled to recover the \$50.00 filing fee from the Tenants. Pursuant to Section 72 of the Act, the Landlords may deduct this amount from the security deposit paid by the Tenants.

Conclusion

The Landlords' application for a Monetary Order for loss of rent for the month of May, 2009, is dismissed without leave to re-apply.

The Landlords' application for an Order of Possession is dismissed without leave to re-apply.

Pursuant to Section 72(2)(b) of the Act, the Landlord may deduct the \$50.00 filing fee from the security deposit paid by the Tenants.

June 2, 2009
