

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC, 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 by registered mail on April 17, 2009, the tenants did not participate in the conference call hearing.

On February 1, 1986, the landlord collected a security deposit from the tenants in the amount of \$191.50. The tenancy began on the same day. Rent in the amount of \$684.00 was payable in advance on the first day of each month. The tenants failed to pay rent in the month of April 2009 and on April 7, the landlord served the tenants with a notice to end tenancy for non-payment of rent.

On May 15, 2009, the landlord found the tenants to have moved out of the rental unit. The landlord therefore withdrew her application for an order of possession and I dismiss her application in this regard.

The landlord is seeking to recover from the tenants outstanding rent for the month of April in the amount of \$684.00. The tenants were living in the rental unit until May 15, 2009. The landlord is therefore seeking to include a claim for loss of income for the first half a month of May in the amount of \$342.00. 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 \$342.00.

As for the monetary order, I find that the landlord has established a claim for \$684.00 in unpaid rent and \$342.00 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 \$375.89 in partial satisfaction of the claim and I

grant the landlord an order under section 67 for the balance due of \$700.11.
This order may be filed in the Small Claims Court and enforced as an order of
that Court.