

DECISION

Dispute Codes OPR, CNR, MNR, MNDC, FF

Introduction

This hearing involved cross Applications for Dispute Resolution filed by the parties.

The Tenant filed for an order cancelling a Notice to End Tenancy for unpaid rent.

The Landlords applied for an order of possession, and monetary orders for unpaid rent and utilities. As discussed below, the Tenant has vacated the unit and therefore, an order of possession is no longer required.

Both parties requested the return of the filing fee for their respective Applications.

The hearing was scheduled so that both claims could be heard at the same time. Nevertheless, the Tenant failed to attend the hearing and therefore, that claim is dismissed without leave to reapply.

Issues(s) to be Decided

Are the Landlords entitled to the relief they sought in the Application?

Background and Evidence

The tenancy began September 1, 2008, with the parties entering into a written tenancy agreement, signed on August 25, 2008. The monthly rent was set at \$700.00.

The Landlords issued the Tenant a 10 day Notice to End Tenancy for unpaid rent on May 30, 2009, indicating June 8, 2009, as the effective end date for the tenancy.

According to the testimony of the Landlords they received no rent payments from the Tenant for May, June and July of 2009.

The Tenant has vacated the rental unit, although the Landlords were unaware of what date the Tenants moved and did not find out until July the Tenant had moved out.

Analysis

The Tenant is responsible for rent payments under the tenancy agreement and the Residential Tenancy Act. She failed to pay the Landlords the \$700.00 per month required, then did not notify the Landlords when they were vacating. I find the Tenant owes the Landlords for three months rent, in the amount of \$2,100.00.

The Landlords also claimed the Tenant failed to pay some \$600.00 for propane at the rental unit. However, the Landlords did not supply evidence, such as an invoice, to support this portion of their claim. Therefore, I dismiss the claim for propane, with leave to reapply.

Conclusion

The Tenant's Application is dismissed without leave to reapply.

I find that the Landlords have established a total monetary claim of **\$2,150.00** comprised of \$2,100.00 in unpaid rent and the \$50.00 fee paid by the Landlord for this application. The Landlords are granted leave to reapply for the Tenant's use of propane at the unit.

I grant the Landlords an order under section 67 for the balance due of \$2,150.00. This order may be filed in the Provincial Court (Small Claims) 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: July 16, 2009.

Dispute Resolution Officer