

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: CNR, MNDC, RPP, LAT, OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the tenants for a monetary order and orders setting aside a notice to end this tenancy, permitting them to change the locks on the rental unit and requiring the landlord to return their personal property. The landlord made a cross-application for an order of possession and a monetary order. Despite having been personally served with the notice of hearing and application for dispute resolution on June 11, the tenants did not participate in the conference call hearing.

As the tenants did not appear at the hearing to advance their claim, their application is dismissed.

At the outset of the hearing the landlord advised that the tenants had vacated the rental unit on July 1. As an order of possession is no longer required, I consider that claim to have been withdrawn.

Issue(s) to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord testified that the tenants failed to pay \$125.00 of their rent in the month of June. The landlord served them with a notice to end tenancy for unpaid rent and immediately began advertising the rental unit, both on the internet and in the newspaper. The landlord testified that as of the date of the hearing, he had not yet been able to re-rent the unit. The landlord testified that the rental unit was left in an unclean and damaged condition which he felt was negatively affecting prospective tenants who viewed the unit. The landlord seeks to recover unpaid rent for June and \$725.00 in loss of income for July.

Analysis

I accept the landlord's undisputed testimony and find that he is entitled to recover \$125.00 in unpaid rent for June, \$725.00 in loss of income for July and the \$50.00 filing fee paid to bring this application. I award the landlord \$900.00. A formal order is enclosed herewith and may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is awarded \$900.00.

Dated July 16, 2009.