

DECISION

Dispute Codes: OPR, OPC, MNR, FF, CNC

This hearing dealt with a cross applications by the parties. The landlords applied for an order of possession and a monetary order. The tenant applied to cancel the notice to end tenancy.

The tenant did not call into the conference call, her application is therefore dismissed.

At the outset of the hearing, the landlords withdrew their application for an order of possession as they found the tenant to have moved out on August 4, 2009.

On February 27, 2009, the landlords collected a security deposit from the tenant in the amount of \$625.00. The tenancy began on March 1, 2009. Rent in the amount of \$1250.00 was payable in advance on the first day of each month. The tenant failed to pay rent in the month of July and on July 14, the landlords served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of August.

The landlords are seeking to recover from the tenant outstanding rent for the month of July in the amount of \$1250.00. The tenant lived in the unit until August 4, 2009. The landlords are therefore seeking to include a claim for loss of income for the month of August in the amount of \$1250.00. I find that the tenant should reasonably have known that the landlords could not re-rent the unit while she was still in residence and I allow the claim for a further \$1250.00.

The landlords are also seeking to recover unpaid hydro charges for the period from May 28 to July 28, 2009 for the amount of \$102.90. The landlords said that the tenant had not paid these charges before moving out of the unit. The landlords also said that approximately 5 days ago, they faxed in a copy of the hydro bill confirming such

charges to the Residential Tenancy Branch. However, I find no such document in my file. I note that earlier, the landlords sent in hydro bills for the previous periods and they reflect similar amount of charges. I have therefore accepted the landlords' claim for the amount of hydro charges owing for the period from May 28 to July 28, 2009 and I allow a claim for \$102.90.

As for the monetary order, I find that the landlords have established a total claim of \$2602.90 comprised of \$1250.00 in unpaid rent, \$1250.00 in loss of income and \$102.90 in unpaid hydro charges. The landlords are also entitled to recovery of the \$50.00 filing fee. I grant the landlords an order under section 67 for the balance due of \$2652.90. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated August 18, 2009.