

DECISION

Dispute Codes: MNDC; FF

Introduction

This is the Landlords' application for a Monetary Order for compensation for damage or loss; and to recover the cost of the filing fee from the Tenants.

I reviewed the evidence provided prior to the Hearing. The Landlords gave affirmed testimony and the Hearing proceeded on its merits.

Issues to be Decided

- Are the Landlords entitled to a Monetary Order for loss of rent for the month of June, 2009, and the cost of engaging a tenant placement team to find suitable replacement tenants?

Background and Evidence

The Landlords gave the following testimony:

On July 10, 2009, the Landlords mailed the Notice of Hearing documents to the Tenants, by registered mail, to the address provided by the Tenants as their forwarding address at the move-out inspection. The Landlords provided copies of the registered mail receipts and tracking numbers in evidence. The Landlords testified that the documents were returned to the Landlords, unclaimed.

The Landlords provided a copy of a tenancy agreement signed by the parties on November 3, 2008. The tenancy agreement was a one year lease, commencing November 1, 2008 and ending October 31, 2009. Monthly rent was \$1,625.00 due on the first business day of each month. The Tenants paid a security deposit in the amount of \$812.50 on October 24, 2008.

The Tenants terminated the tenancy early, on May 31, 2009. The Landlords agreed to apply the security deposit towards May's rent, and the Tenants paid \$812.50 for May's rent.

The Landlords hired a tenant placement team to assist in finding suitable replacement tenants. They also posted on-line classified ads twice a week, in an attempt to find new tenants. The Landlords provided a copy of a paid invoice in the amount of \$262.50 from the tenant placement team, together with documentation to support the on-line advertising. The Landlords were able to re-rent the rental unit on July 1, 2009.

Analysis

I am satisfied that the Landlords duly served the Tenants with the Notice of Hearing documents, by registered mail, to the address provided by the Tenants as their forwarding address. Service in this manner is deemed to be effected five days after mailing the documents. Failure on the part of the Tenants to accept delivery of the registered mail documents does not affect the service provisions under the Act. Despite being deemed served with the Notice of Hearing documents, the Tenants did not sign into telephone conference and the Hearing continued in their absence.

The Tenants terminated the tenancy before the end of the fixed term, in breach of the tenancy agreement. The Landlords attempted to mitigate their loss by hiring a tenant placement team, and by advertising on-line for prospective replacement tenants. They were successful in finding new tenants for July 1, 2009. The Landlords are entitled to compensation for loss of June's rent, and for compensation for the cost of hiring the tenant placement team.

The Landlords have been successful in their application and are entitled to recover the cost of the filing fee from the Tenants.

The Landlords have established a monetary claim, as follows:

Loss of rent for June, 2009	\$1,625.00
Cost of hiring tenant placement team	\$262.50
Recovery of filing fee	<u>\$50.00</u>
Total monetary award to the Landlords	\$1,937.50

Conclusion

I hereby grant the Landlords a Monetary Order in the amount of \$1,937.50 against the Tenants. This Order must be served on the Tenants and may be filed in the Provincial Court of British Columbia (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: November 6, 2009.
