

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondents were served with notice of the hearing by hand on February 1, 2010 but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$975.00, a request to retain the full security deposit towards the claim, and a request of the respondents bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

Background and Evidence

The applicant testified that:

- The tenants failed to pay January 2010 rent in the amount of \$975.00 and as a result were served with a 10 day Notice to End Tenancy.
- The tenants vacated sometime in early January 2010 after receiving the notice, however she lost the full January 2010 rent.

The applicant is therefore requesting an order for that outstanding rent, and an order that she be allowed to retain the full security deposit towards the claim.

Analysis

It is my decision that the tenants are liable for the January 2010 rent, because they failed to pay the January rent and since the landlord was unable to re-rent it in the month of January their failure to pay the rent caused the loss of the full January 2010 rental revenue totalling \$975.00

It is also my decision that the respondents must bear the \$50.00 cost of the filing fee that was paid for the dispute resolution application.

Conclusion

I have allowed the applicants full claim of \$1025.00. I therefore order that the landlord may retain the full security deposit plus interest:

\$487.50

I further Ordered that the respondents pay to the applicant the following amount:

\$537.50

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: May 26, 2010.

Dispute Resolution Officer