

DECISION

Dispute Codes MNR, MNDC, FF

Introduction

This participatory hearing was scheduled pursuant to a Direct Request decision issued April 12, 2010. The landlords had initially applied for an Order of Possession and Monetary Order for unpaid rent for March 2010. The landlords amended the application to request additional compensation from the tenant for unpaid rent and damage or loss under the Act, regulations or tenancy agreement. The tenant did not appear at the participatory hearing. The landlords provided evidence that the tenant was served with notification of this hearing and the landlords' amended application by registered mail sent to the tenant April 18, 2010. A search of the registered mail showed that the registered mail was unclaimed by the tenant. The landlords testified the tenant was residing at the rental unit until the end of April 2010. I was satisfied the landlords sufficiently notified the tenant of today's hearing and the landlords' claims against the tenant and I proceeded to hear from the landlords without the tenant present.

At the commencement of the hearing, the landlords stated that the tenant moved out of the rental unit at the end of April 2010. Therefore, an Order of Possession is no longer required and I do not provide one with this decision.

Issues(s) to be Decided

Have the landlords established an entitlement to unpaid rent and damage or loss under the Act, regulations or tenancy agreement, and if so, the amount?

Background and Evidence

I was provided with undisputed evidence as follows. The tenancy commenced October 1, 2009 and the tenant was required to pay rent of \$610.00 on the 1st day of every month. The tenant was required to pay a security deposit but did not. The tenant was issued a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) on March 14, 2010 which indicated rent of \$410.00 was outstanding as of March 1, 2010 and had an effective date of March 24, 2010. The Notice was served to the tenant by personal delivery on March 14, 2010. The tenant did not pay the outstanding rent or dispute the Notice.

During the hearing the landlords testified that the amount of rent indicated on the Notice was actually rent outstanding for February 2010 and that the tenant did not pay rent for March, April or May. Therefore, the landlord amended the application to request compensation of \$2,240.00.

The Details of the Dispute section of the Notice stated "The tenant has not paid partial [sic] of rent fee for the March 2010 which should be paid on March 01, 2010 as per the agreement."

The landlords stated the tenant caused damages to the rental unit. The landlords were informed of their right to make a subsequent Application for Dispute Resolution in order to seek compensation for damage to the rental unit.

Analysis

Based upon the 10 Day Notice and the landlord's written statement on the Application for Dispute Resolution, I am satisfied the landlord established the tenant did not pay \$410.00 of rent owed for March 2010. I do not find sufficient evidence to find the tenant failed to pay rent for February 2010. I award the landlord \$410.00 for unpaid rent for March 2010. I dismiss the landlords' claim for unpaid rent for February 2010.

Based upon the evidence before me, I am satisfied the tenancy ended on March 24, 2010 and the landlords incurred a loss of rent for April 2010 because the tenant would not vacate the rental unit. Therefore, I award the landlords loss of rent for April 2010 in the amount of \$610.00.

Loss of rent for May 2010 is dismissed with leave as I find that claim relates to damages in the rental unit and may form part of a subsequent claim for damages.

I award the filing fee to the landlord and provide a Monetary Order calculated as follows:

Unpaid rent – March 2010	\$ 410.00
Loss of rent – April 2010	610.00
Filing fee	<u>50.00</u>
Monetary Order	\$ 1,070.00

The landlords must serve the Monetary Order upon the tenant and may file it in Provincial Court (Small Claims) to enforce as an Order of that court.

Conclusion

The landlords are provided a Monetary Order for unpaid rent and loss of rent for March 2010 and April 2010. The landlord's claim for unpaid rent for February 2010 has been dismissed. The landlords' claim for loss of rent for May 2010 has been dismissed with leave.

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 27, 2010.

Dispute Resolution Officer