

## **DECISION**

**Dispute Codes**      MNR, FF

### **Introduction**

This hearing was convened by way of conference call to deal with the landlords' application for a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of this application.

The parties each gave affirmed evidence and were given the opportunity to cross examine each other on their evidence.

### **Issues(s) to be Decided**

Are the landlords entitled to a monetary order for unpaid rent or utilities?

### **Background and Evidence**

This fixed term tenancy began on June 5, 2009 and was to expire on June 5, 2011. The tenancy ended on January 19, 2010.

Rent in the amount of \$2,000.00 was payable in advance on the 1<sup>st</sup> day of each month.

At the outset of the tenancy, the landlords collected a security deposit from the tenant in the amount of \$850.00.

The landlord testified that on December 18, 2009 the tenant called and said that he may have lost his job. On January 4, 2010, the tenant called the landlord again stating that he had lost his job. January's rent was paid in full however the landlords are claiming rent for the month of February, 2010 and an additional \$266.64 for 4 days for the month of March, 2010. She further stated that the tenancy agreement states that the tenant must give notice 60 days in advance of his intention to vacate the rental unit.

The tenant testified that when he called the landlord on December 18, 2009 he did not say that he may have lost his job; he told the landlord that he had lost his job. He further testified that the parties made gentleman's agreements, and that his call on December 18 was his notice to vacate the rental premises.

The landlord testified that an advertisement was placed at the BC Hydro bulletin board on February 4, 2010 where her husband is employed. An advertisement was also placed on the internet in Fort St. John Now (FSJNOW.COM) on February 1, 2010, as well as on the bulletin board in the Sportsman restaurant and the local post office. They had about 4 responses, however alot of places are currently for rent in Hudson's Hope and the landlords were only able to re-rent for \$1,000.00 per month.

The landlords are claiming rent in the amount of \$2,266.64, registered mail fees in the amount of \$20.00 and \$50.00 for recovery of the filing fee for the cost of this application.

### **Analysis**

The *Residential Tenancy Act* states that a tenant may end a fixed term tenancy by giving the landlord notice effective on a date that is not earlier than one month after the date the landlord receives the notice and is not earlier than the date specified in the tenancy agreement as the end of the tenancy. For that reason, the landlord is entitled to claim against the tenant rent for the month(s) that the unit remained unoccupied. Therefore, the landlords are entitled to their claim for rent in the amount of \$2,266.64.

I decline to award to the landlords any amount for registered mail however the landlords are entitled to recover the filing fee from the tenant for the cost of this application.

### **Conclusion**

For the reasons set out above, I find that the landlords have established a claim for \$2,266.64 in unpaid rent. The landlords are also entitled to recovery of the \$50.00 filing fee. I order that the landlords retain the deposit of \$850.00 in partial satisfaction of the claim and I grant the landlords an order under section 67 for the balance due of \$1,466.64. This order may be filed in the Small Claims Court 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: June 29, 2010.

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Dispute Resolution Officer