

DECISION

Dispute Codes: MNR, MNSD, FF

Introduction

This is the Landlord's application a Monetary Order for loss of rent; to apply the security deposit in partial satisfaction of its monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony.

At the outset of the Hearing, the Landlord's agent testified that she mailed the Notice of Hearing documents to each of the Tenants, by registered mail on May 24, 2010 to the address provided by the Tenants on the move-out Condition Inspection Report. The Landlord provided tracking numbers for the registered mail documents. The Landlord's agent testified that the registered mail documents were returned to the Landlord, unclaimed.

I am satisfied that the Landlord served both of the Tenants with the Notice of Hearing documents in accordance with the provisions of Section 89(1)(c) of the Residential Tenancy Act (the "Act"). Service in this manner is deemed effective 5 days after mailing the documents, whether or not the recipient chooses to pick up the documents. Despite being deemed served with the documents, neither of the Tenants signed into the teleconference and the Hearing proceeded in their absence on its merits.

Issues to be Decided

- Is the Landlord entitled to a monetary order for loss of rent, and if so, in what amount?

Background and Evidence

The Landlord's agent gave the following testimony

The parties entered into a tenancy agreement on June 21, 2009. The tenancy started on July 1, 2009. A copy of the tenancy agreement was entered in evidence. The tenancy agreement was a term lease, ending June 30, 2010. Rent was \$1,400.00 per month. The Tenants paid a security deposit in the amount of \$700.00 on June 21, 2009.

On January 9, 2010, the Tenants gave the Landlord written notice that they would be moving out of the rental unit at the end of February, 2010. The Tenant NG and the Landlord met to do a move-out inspection on February 28, 2010. The Tenants did not clean the apartment at the end of the tenancy and the carpet had to be replaced.

The Landlord attempted to re-rent the rental unit for March 1, 2010, by advertizing the rental unit on its web site, and in two local newspapers. The Landlord was able to re-rent the rental unit for April 20, 2010. The new tenants paid prorated rent for the month

of April, 2010, in the amount of \$470.00. On February 28, 2010, the Tenants provided the Landlord with a cheque for March's rent, but the cheque was returned NSF.

The Landlord seeks compensation for loss of rent for the month of March, 2010, in the amount of \$1,400.00 and for loss of rent from April 1, 2010 to April 19, 2010, in the amount of \$930.00.

Analysis

The Tenants signed a term lease and moved out of the rental unit before the end of the term. The Landlord attempted to re-rent the rental unit, but was unable to do so until April 20, 2010. The Landlord is entitled to compensation for damages due to the Tenants ending the tenancy earlier than agreed. I find that the Landlord has established a monetary award for loss of rent in the amount of \$2,330.00.

Pursuant to the provisions of Section 72 of the Act, the Landlord may apply the security deposit towards partial satisfaction of its monetary award. No interest has accrued on the security deposit.

The Landlord has been successful in its application and is entitled to recover the cost of the filing fee from the Tenants.

The Landlord is entitled to a Monetary Order, calculated as follows:

Compensation for loss of rent	\$2,330.00
Recovery of the filing fee	\$50.00
Less security deposit	<u>-\$700.00</u>
Total	\$1,680.00

Conclusion

I hereby grant the Landlord a Monetary Order against the Tenants in the amount of \$1,680.00. 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: July 28, 2010.

Dispute Resolution Officer