

Decision

Dispute Codes: MNR, MNSD, MNDC, FF

Introduction

This hearing was reconvened in order to address two applications: i) by the landlords for a monetary order as compensation for unpaid rent / and recovery of the filing fee; the landlords' original application was amended to include retention of the security deposit; and ii) by the tenants for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / return of the security deposit / and recovery of the filing fee.

Both parties participated in a previous hearing on June 11, 2010. That hearing was adjourned in order to provide the parties with an opportunity to meet at the rental unit and to attempt to resolve the dispute. A notice of dispute resolution hearing was subsequently mailed by the residential tenancy branch to both parties. However, while the landlords attended the reconvened hearing, neither tenant was present.

As the tenants have vacated the unit, the landlords' application for an order of possession is withdrawn, as is the tenants' application to have the landlords' notice to end tenancy set aside.

Issues to be decided

- Whether the landlords are entitled to any of the above under the Act

Background and Evidence

As set out in the "Preliminary Matters and Reasons for Adjournment" dated June 11, 2010,

Pursuant to a written tenancy agreement, the original fixed term of tenancy was from February 1 to July 31, 2009. Thereafter, tenancy has continued on a month-to-month basis. Rent in the amount of \$1,200.00 is payable in advance

on the first day of each month. A security deposit of \$600.00 was collected on or about January 12, 2009.

During the hearing on June 11, 2010, “the parties agreed that rent has been paid in full to the end of April 2010.” Further, in the “Preliminary Matters and Reasons for Adjournment” it is noted:

In aid of attempting to resolve the dispute around rent for May and June, the landlords offered to withdraw an application for recovery of any unpaid rent for June, in exchange for payment of rent for May. However, the tenants were unable to commit to such a payment, pending an opportunity to speak with family members. The tenants indicated their intention to speak with family members in advance of the meeting with the landlords on June 12.

During this reconvened hearing, the landlords testified that tenant “CKC” met them at the unit on June 12, however, tenant “TMD” was not present and instead, she was represented by her father. The landlords testified that the tenants had still not removed all of their belongings from the unit, the garage and the driveway when the landlords arrived at the unit. Further, the landlords testified that tenant “CKC” was not prepared to undertake a walk-through of the unit with the landlords, and no offer to pay rent for May was forthcoming from tenant “CKC” or tenant “TMD’s” father. The landlords testified that the unit required extensive cleaning in addition to certain repairs after the tenants had vacated.

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Based on the documentary evidence, the affirmed testimony of both parties on June 11, 2010, and the affirmed / undisputed testimony of the landlords on August 5, 2010, I find that the landlords have established a claim of \$2,450.00. This is comprised of \$2,400.00 in unpaid rent combined for May and June 2010, in addition to the \$50.00

filing fee. I order that the landlords retain the security deposit of \$600.00 and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$1,850.00 (\$2,450.00 - \$600.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$1,850.00**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

The tenants' application is hereby dismissed.

DATE: August 5, 2010

Dispute Resolution Officer