

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with the tenants' application pursuant to section 67 of the *Residential Tenancy Act* (the *Act*) for a monetary order from the landlords.

The landlords did not attend the hearing. The male tenant attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The tenant testified that he sent the landlords a copy of the tenants' application for dispute resolution package by registered mail on May 31, 2010. He provided the Canada Post Tracking Number and testified that the registered mail was refused by the landlords and returned to him.

Issues(s) to be Decided

Are the tenants entitled to a monetary order?

Background and Evidence

The male tenant was uncertain as to when the tenants moved into the rental premises. He estimated that they likely commenced their month-to-month lease on or near March 1, 2010. He said that they provided the landlord with a series of post-dated cheques for \$900.00, cashable on the first of each month. He also testified that they paid the landlord a \$450.00 security deposit when they commenced the tenancy.

The tenant testified that after residing in the rental premises for approximately four months, the landlords informed the tenants that they were planning to list the property for sale. However, he said that the landlord did not provide any formal Notice to End Tenancy. The tenant testified that the timing of the landlord's information presented problems for them as the tenants were planning a 3 ½ week trip to a foreign country on

May 31, 2010. The tenant testified that he sent the landlord an April 10, 2010 electronic mail message asking if it would be alright to move out of the rental premises at the end of April, 2010. He maintained that his telephone conversations with the landlord indicated that the landlords were in agreement with this arrangement to end this tenancy. The tenant testified that the landlord and tenants reached a mutual agreement to have the tenants' final rent cheque for May 2010 returned to them. The tenant said that the landlord returned their security deposit and a package of post-dated cheques to them. The tenant testified that the landlords cashed the \$900.00 cheque for May 2010. When the tenant called the landlord, the landlord explained that she withheld the May rent because the tenants had not given the landlord the full 30-day notice that they were ending their tenancy. The tenants applied for a \$900.00 monetary order to reimburse them for their May 2010 rent.

Analysis

Although the landlords did not attend the hearing, the tenants provided no written evidence to support their application for a monetary order. The tenant's estimate of the commencement date for the lease contradicted his oral testimony regarding the length of time they stayed there.

I dismiss the tenants application for a monetary order without leave to reapply as I am not satisfied by the evidence provided by the tenants that there is reason to do so. The male tenant did not provide copies of any of the email evidence exchanged with the landlords. The male tenant testified that the tenants received no notice to end tenancy from the landlord, nor any written confirmation that the landlord was foregoing the standard 30-day notice to end this lease. The tenants have provided insufficient evidence that the landlord agreed to waive their May 2010 rent payment.

Conclusion

I dismiss the tenants' application for a monetary order without leave to reapply.

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*.