



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, MNR, OPR, O, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent only. The tenants did not attend.

The landlord's agent testified the tenants were served with notice of hearing documents on July 9, 2010 via registered mail. Section 90 of the *Residential Tenancy Act (Act)* states a document sent by mail is deemed served on the 5th day after it is mailed.

Based on the written submissions of the landlord, I find that the tenants have been sufficiently served with the Dispute Resolution Direct Request Proceeding documents.

The agent also testified the tenant's moved out on August 3, 2010 and left the keys with the landlord and the rental unit uncleaned. As the tenant has vacated the rental unit, the landlord's Application is amended to exclude the matter of possession.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to sections 38, 67, and 72 of the *Act*.

Background and Evidence

The tenancy was a 1 month fixed term tenancy that began on June 1, 2010 for a monthly rent of \$935.00 due on the 1st of the month. The tenancy agreement was made after the tenants failed to vacate the rental unit at the end of their previous 1 year fixed term tenancy.

Based on a previous Dispute Resolution decision granted on July 6, 2010 and entered into evidence by the landlord the tenants failed to vacate the rental unit on May 31, 2010 and refused to enter into another 1 year fixed term tenancy. The tenants also then failed to vacate the rental property on June 30 as per the new 1 month fixed term tenancy.

The previous decision granted the landlord a monetary order for rent for the months of May, June and July 2010. As the tenants continued to overhold the rental unit into August and conducted no communication to the landlord regarding their intentions of moving out until they returned the key on August 3, 2010.

Analysis

In the absence of any testimony or evidence from the respondent, I accept the landlord's testimony that the tenants failed to vacate the rental unit prior to July 31, 2010 and failed to communicate with the landlord on when they planned to move out.

Based on the landlord's previous experience in trying to end this tenancy with these tenants and based on the fact that the tenants did not communicate with the landlord as to their plans, I find the tenants are responsible for rent for the month of August 2010.

Conclusion

I find that the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$985.00** comprised of \$935.00 rent owed and the \$50.00 fee paid by the landlord for this application.

This order must be served on the tenants and may be filed in the Provincial Court (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: August 27, 2010.

Dispute Resolution Officer