



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPB, MNDC, FF

### Introduction

This hearing was held in response to an Application for Dispute Resolution filed by the landlords seeking:

1. An Order of Possession;
2. A monetary Order for compensation for damage or loss in the sum of \$1,500.00;  
and
3. Recovery of the filing fee.

The tenants did not appear at the hearing. The landlords attended and gave evidence under oath.

The landlords advised that the tenants have now vacated the rental unit and an Order of Possession is no longer required.

### Issues(s) to be Decided

Are the landlords entitled to a monetary Order?

### Background and Evidence

The landlords testified that on July 29, 2010 the parties entered into a mutual agreement to end this tenancy effective August 1, 2010. The landlords testified that they return \$500.00 of prepaid August rent to the tenants along with their security deposit of \$375.00. However, despite the Agreement, the tenants did not vacate the

rental unit as agreed. The landlord testified that the tenants remained in the rental unit until August 27, 2010 without paying any rent for August. Further, the landlords say they were unable to clean and show the premises to re-rent it until the tenants vacated. The landlords testified that after the tenants did vacate they were finally re-rented the premises as of September 15, 2010. The landlords are seeking \$750.00 rent for August, \$375.00 loss of income for September plus the \$50.00 filing fee.

### Analysis

The evidence shows that the parties did enter into a mutual Agreement to end this tenancy on August 1, 2010. They also agreed that "There are no further financial obligations to either party". However, the undisputed evidence of the landlords is that the tenants did not comply with the Agreement by vacating by August 1, 2010 instead remaining until August 27, 2010. I therefore find that the tenants are liable for the rent for the month of August in the sum of \$750.00. In addition, I will allow the landlords' claim for loss of rental income in the sum of \$375.00 for the period September 1 – 15, 2010. I make this finding because the tenants stayed until August 27, 2010 thereby thwarting the landlords' ability to re-rent the premises as of September 1, 2010.

Having been successful in this application I will also allow the landlords recover of the filing fee in the sum of \$50.00.

### Conclusion

The landlords are provided with a formal copy of an order for the total monetary award in the sum of \$1,175.00. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

Dated: September 20, 2010.

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