

Decision

Dispute Codes: MNDC, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement, in addition to recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served in person on June 17, 2010 with the application for dispute resolution and notice of hearing (the "hearing package"), the tenants did not appear.

Issues to be decided

- Whether the landlord is entitled to the above under the Act, regulation or tenancy agreement

Background and Evidence

In regard to this same tenancy, by way of an earlier decision dated May 27, 2010, a dispute resolution officer issued an order of possession and a monetary order in favour of the landlord. The order of possession was served in person on the tenants on May 27, 2010, and it required the tenants to "deliver full and peaceable vacant possession and occupation" of the unit within two days of service. However, by June 16, 2010, the tenants had still not vacated the unit and the landlord applied for a monetary order as compensation for loss of rental income for June 2010. The landlord testified that the tenants ultimately vacated the unit on or about June 19, 2010, and did not provide a forwarding address. Thereafter, following extensive cleaning and repairs, new renters were found effective July 26, 2010.

In the decision dated May 27, 2010, the dispute resolution officer found that the landlord had established entitlement to a monetary order as compensation for unpaid rent for May 2010, as well as the filing fee. The landlord was authorized to retain the security deposit in order to offset the amount owed for unpaid rent and the filing fee.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenants were served with the hearing package according to the provisions of the Act.

Further, I find that the landlord has established a claim of \$1,335.00. This is comprised of \$1,285.00 for loss of rental income for June 2010, and the \$50.00 filing fee.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,335.00**. This order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: October 29, 2010

Dispute Resolution Officer