



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, MNDC, FF

Introduction

This hearing dealt with the landlords' application for a Monetary Order for unpaid rent and damage or loss under the Act, regulations or tenancy agreement. The tenants did not appear at the hearing. The landlords provided copies of registered mail envelopes as evidence that the tenants were notified of this hearing via registered mail sent to the tenants' residence on August 4, 2010. The registered mail was returned as unclaimed by the tenants. The landlord affirmed that she learned of the tenants new address from another person and that she confirmed the information by observing the tenants at that new address. Section 90 of the Act deems registered mail to be served five days after mailing even if the recipient refuses to accept or does not pick up the mail. Having been satisfied the tenants were served with the hearing documents I proceeded to hear from the landlords without the tenants present.

Issue(s) to be Decided

Have the landlords established an entitlement to compensation for unpaid rent and cleaning costs?

Background and Evidence

With this application the landlords are requesting compensation of unpaid rent of \$1,000.00 for the month of July 2010 and cleaning costs of \$189.60. The landlords provided the following testimony during the hearing.

The tenants moved into the basement unit of the residential property in mid-February 2010. The monthly rent was set at \$1,000.00 due on the 1st day of every month. The tenants did not pay a security deposit. On June 15, 2010 the tenants gave notice via email that they would be ending the tenancy on July 15, 2010. The landlord informed the tenants that the tenants' notice was not proper notice to end the tenancy. The tenants vacated the rental unit July 1, 2010 and did not pay rent for July 2010.

Upon enquiry, the landlords confirmed that they did not waive their entitlement to one full month of notice or mutually agree in writing to end the tenancy effective July 1, 2010.

The landlords testified that the basement unit was re-rented August 1, 2010. They also stated that the unit smelled terrible and was completely filthy so the unit could not be



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shown to prospective tenants until the tenants vacated and the unit was cleaned. The landlords testified they both spent two days cleaning the unit after the tenants vacated.

Analysis

Under section 45 of the Act a tenant may end the tenancy by giving one full month of written notice. The effective date of the notice must be at least one month after giving the notice and must be on the last day of the rental period. Having heard the rent was due on the 1st day of the month, the effective date of the notice must be the last day of the month. In such a case, where a tenant gives notice on June 15, 2010, the effective date must read July 31, 2010.

In addition to giving proper notice, the tenants must vacate the rental unit on or before the last day of the rental period. In this case, I heard the tenants vacated July 1, 2010 and I find the tenants benefited from possession of the rental unit in the month of July 2010.

Based upon the landlords' undisputed testimony, I am satisfied the tenants failed to give adequate notice to end the tenancy under section 45 of the Act and occupied the rental unit in July 2010. I am also satisfied the landlords acted reasonably in cleaning the unit and showing it prospective tenants in a timely manner. Therefore, I award the landlords unpaid rent for the month of July 2010.

Based upon the landlords' undisputed testimony, I am satisfied the landlords spent a considerable amount of time cleaning dirt, grime, grease and cat hair from the rental unit. I find the landlords' request for cleaning of \$189.60 to be reasonable and I award that amount to the landlords.

As the landlords were successful in their application I also award the filing fee to the landlords. With this decision the landlords are provided a Monetary Order calculated as follows:

Unpaid rent – July 2010	\$ 1,000.00
Cleaning costs	189.60
Filing fee	<u>50.00</u>
Monetary Order for landlords	\$ 1,239.60

The landlords must serve the Monetary Order upon the tenants and may enforce it in Provincial Court (Small Claims) as an Order of that court.



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Conclusion

The landlords have been granted a Monetary Order in the amount of \$1,239.60 to serve upon the tenants.

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: December 30, 2010.

Residential Tenancy Branch