

DECISION

Dispute Codes: MNR, MNDC and FF

Introduction

This application was brought by the landlords on June 18, 2010 seeking a Monetary Order for unpaid rent and loss of rent and recovery of the filing fee for this proceeding.

Despite having been served with the Notice of Hearing sent by registered mail on June 18, 2010, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

Issues to be Decided

This application requires a decision on whether the landlords are entitled to a Monetary Order for the unpaid rent/loss of rent and filing fee.

Background and Evidence

This tenancy began on August 1, 2009. Rent was \$700 per month and the landlords held a security deposit of \$350 paid at the beginning of the tenancy.

During the hearing, the landlords gave evidence that they had been surprised on a visit to the rental unit on May 1, 2010 to see that the tenant had removed most of her belongings. They stated that she had not given notice to end the tenancy and she had not paid the rent for May 2010.

The landlords submitted into evidence a copy of a letter from the tenant received on May 8, 2010 in which the tenant made apology for having left without notice and promised to pay half of the outstanding rent on May 15, 2010 with the balance to follow on May 30, 2010.

In the same letter, the tenant directed the landlords to retain the \$350 security deposit to cover the cost of cleaning the rental unit. The landlords stated that all of the deposit on and more was absorbed by the costs of cleaning and refuse disposal.

When the promised payments did not materialize, the landlords wrote to the tenant on June 9, 2010 requesting the promised payment by June 14, 2010 but received no response.

The landlords began advertising the rental unit in mid-May and were able to find new tenants for June 18, 2010 who paid \$280 rent for the balance of the month.

Analysis

I find that, in view of the tenant's failure to give full notice as required under section 45 of the *Act*, the landlords are entitled to the full rent for May 2010 and the loss of rent for June 2010 (\$700 - \$280 = \$420).

I further find that the landlords are entitled to recover the filing fee for this proceeding from the tenant.

Thus, I find that the tenant owes the landlords an amount calculated as follows:

Rent for May 2010	\$700.00
Loss of rent to June 18, 2010	420.00
Filing fee	<u>50.00</u>
TOTAL	\$1,170.00

Conclusion

The landlords' copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for \$1,170.00 for service on the tenant.

November 1, 2010