



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 Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by both landlords only. The tenant did not attend.

The landlords submitted documentary confirmation that the tenant was served with notice of this hearing via registered mail and that the mail had been received at an address provided by the tenant as her forwarding address.

Based on the written submissions of the landlords, I find that the tenant has been served with the notice of this hearing.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for compensation for damages or losses; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted a copy of a tenancy agreement signed by the parties on January 14, 2009 for a month to month tenancy beginning on February 1, 2009 for a monthly rent of \$1050.00 due on the 1st of each month and that a security deposit of \$525.00 was paid.

The landlord also submitted a document entitled "Acknowledgement of Early End of Tenancy Notice signed by both parties indicating the tenant provided the landlord with a notice to end tenancy on November 4, 2009 and that she accepts that she is responsible for rent payments until the end of December 31, 2009 should the landlord not be able to rent the unit out for that period.

The landlords also provided copy of the Condition Inspection Report signed by the tenant on November 29, 2009 agreeing to have the landlord retain the security deposit in the amount of \$525.00 as partial payment for November 2009 rent and a letter dated



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February 13, 2010 from the landlord to the tenant advising her that they had been unable to rent the unit to a new tenant until January 1, 2010 and requesting payment of rent owed in the amount of \$1,355.00 (\$305.00 for November 2009 and \$1050.00).

The landlord testified that there has been no further contact from the tenant. The landlord also submitted confirmation of the cost to send the above noted letter by registered mail of \$10.48.

The landlord also testified that there had been an incorrect calculation made in the original demand for November 2009 rent owed and that the amount owed should have been \$525.00 for a total of \$1,575.00.

Analysis

Based on the documentation submitted by the landlord that confirms the tenant agreed to the responsibility for the payment of rent for November and December 2009 and that she agreed to the landlord's retention of the security deposit, I accept that the tenant owes the landlord for this rent.

I also accept the landlords' submission that they were unable to rent the unit until January 1, 2010 and for the costs incurred by the landlord for the registered letter sent to the tenant in February 2010 demanding the payment.

Conclusion

I find that the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$1,635.48** comprised of \$1,575.00 rent owed; \$10.48 mail charges for demand letter and the \$50.00 fee paid by the landlord for this application.

This order must be served on the tenant 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: January 05, 2011.

Residential Tenancy Branch