



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlords for a monetary order and an order to retain the security deposit. The landlords presented evidence showing that they served the tenants with the application for dispute resolution and notice of hearing by registered mail on December 21. The landlords testified that the registered letter was returned unclaimed. I found that the tenants had been properly served with notice of the claim and the hearing proceeded in their absence.

### Issue to be Decided

Are the landlords entitled to a monetary order as claimed?

### Background and Evidence

The landlords' undisputed testimony is as follows. The landlords assumed the tenancy in 2009 when they purchased the rental unit and the \$650.00 security deposit was transferred to them at that time. The tenants were under a fixed term tenancy which was set to expire in May 2011.

The tenants were obligated to pay \$1,300.00 per month in rent. On December 1 the landlords received from the tenants a text message advising that they had vacated the rental unit. The landlords were unable to re-rent the unit for the month of December and seek to recover \$1,300.00 in lost income for the month of December as well as \$40.60 for the cost of advertising the rental unit.

The landlords testified that the tenants did not clean the unit when they vacated and that they left a significant amount of their belongings therein. The landlords retained the belongings for 60 days pursuant to the Residential Tenancy Regulations and disposed of them thereafter. The landlords seek to recover the \$45.00 they paid in transfer station fees to dispose of the abandoned items as well as \$450.00 for 15 hours of cleaning.

The landlords also seek to recover the \$50.00 filing fee paid to bring their application.

### Analysis

I accept the undisputed testimony of the landlords and I find that the landlords suffered a loss of income for December due to the tenants' failure to give notice. I award the landlords \$1,300.00. I find that the landlords should not have incurred advertising costs until the end of the fixed term tenancy and I find that due to the tenants' breach of the fixed term, the landlords suffered a loss. I award the landlords \$40.60 for the cost of advertising.

I accept that the tenants did not adequately clean the rental unit and I find that the landlords are entitled to recover the cost of cleaning the unit. I award the landlords \$450.00. I further find that the landlords are entitled to recover the cost of disposing of the tenants' abandoned goods and I award the landlord \$45.00. I further find that the landlords are entitled to recover the \$50.00 filing fee and I award them that sum.

### Conclusion

The landlords are awarded \$1,885.60. I order the landlords to retain the \$650.00 security deposit in partial satisfaction of this claim and I grant the landlords a monetary order under section 67 for the balance of \$1,235.60. This order may be filed in the Small Claims Division of the Provincial Court 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: May 02, 2011

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Residential Tenancy Branch