



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This conference call hearing was convened in response to the landlords' application for a Monetary Order for unpaid rent and to recover the filing fee associated with this application.

Both landlords and the tenant attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Are the landlords entitled to a Monetary Order, and if so for what amount?

Are the landlords entitled to recover the filing fee?

### Background and Evidence

The rental unit consists of a townhouse. Pursuant to a written agreement, the fixed term tenancy started on August 1<sup>st</sup>, 2010 and was to end July 31<sup>st</sup>, 2011. The rent was \$1500.00 per month and the tenant paid a security deposit of \$750.00.

Landlord C.D. testified that the tenant ended the tenancy on December 18<sup>th</sup>, 2010, and that the tenant paid rent until January 2011. C.D. stated that he first became aware that the tenant had purchased a property when she called him on December 6<sup>th</sup>, 2010.

He said that he told the tenant at that time that she could end the tenancy, but that she would remain responsible for the rent until he found new tenants. C.D. stated that new tenants were found for March 2011. In their application for dispute resolution, the landlords provided a copy of the latest rental agreement, where the rent was reduced to \$1400.00 per month. The landlords made a monetary claim for the loss of rental income for February 2011, and the loss of rental income of \$100.00 per month between March and July 2011 for a claim totalling \$2000.00.

The tenant testified that she had a telephone conversation with C.D. on November 27<sup>th</sup>, 2010 to ensure that he would allow her to end the tenancy early. She stated that the property she was purchasing included an early possession date, and that she informed C.D. of the potential quick turn-around time. She stated that there are gaps in C.D.'s testimony, and that she had confirmed through conversations with C.D. that he would not hold her financially responsible for any subsequent loss of rental income.

C.D. stated that he had offered the tenant to settle this matter before the date of the hearing; however the tenant stated that she was not aware of that offer. Accordingly, the parties agreed to achieve an informal resolution to this dispute.

### Analysis

Section 63 of the *Residential Tenancy Act* provides for the parties to resolve their dispute during the dispute resolution proceedings. Accordingly, the parties have agreed to the following:

- The tenant will pay the landlords a one-time payment of \$1500.00 no later than July 15<sup>th</sup>, 2011, as final settlement to this dispute.
- The landlord will be granted a monetary order for that sum.

Conclusion

Pursuant to Section 67 of the Act, I grant the landlord a monetary order for the sum of \$1500.00.

If necessary, This Order may be registered in the Small Claims Court and enforced as an order of that Court.

This Order may be registered in the Small Claims 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: June 29, 2011.

---

Residential Tenancy Branch