



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, OPR, MNR, MNSD, FF

Introduction

This hearing dealt with two related applications. One was the landlord's application for an order of possession based upon a 10 Day Notice to End Tenancy for Non-Payment of Rent, a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. The other was the tenants' application for an order setting aside the notice to end tenancy and an order granting them more time in which to make it. Although they were served with the landlord's application for dispute resolution and notice of hearing by personal service and they were the applicants on their own application the tenants did not appear at the hearing.

The landlord advised that the tenants had moved out of the rental unit and an order of possession was no longer required. The hearing proceeded on the landlord's application for a monetary order only.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

Background and Evidence

This month-to-month tenancy commenced February 1, 2014. The monthly rent of \$750.00 was due on the first day of the month. The tenants paid a security deposit of \$375.00.

The tenants' rent cheque for March was returned to the landlord marked "Item Dishonored". The tenants did not replace the cheque nor did they pay any rent for April.

The tenants moved about a week before the date set for this hearing without giving notice to the landlord of their intention to do so and after having illegally sublet the unit to a group of other people. The landlord testified that the unit has been left in a mess and as a result of its' condition he will not be able to rent the unit for May.

Analysis

I find that the landlord has established a total monetary claim of \$2300.00 comprised of arrears of rent for March and April in the amount of \$1500.00; loss of rental income for May in the amount of \$750.00; and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit of \$375.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1925.00.

The tenants' claim is dismissed.

Conclusion

- a. A monetary order has been granted to the landlord. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that court.
- b. The tenants' claims are dismissed.

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 05, 2015

Residential Tenancy Branch

