



# **Dispute Resolution Services**

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes:** OPR, MNR and FF

### **Introduction**

This application was brought by the landlord seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served in person on January 2, 2009. The landlord also sought a Monetary Order for the unpaid rent, utilities, and filing fee for this proceeding, and authorization to retain the security deposit.

At the commencement of the hearing, the landlord advised that the tenants had moved out of the rental unit between January 15<sup>th</sup> and 30<sup>th</sup> when he received the keys without notice or providing a forwarding address. Therefore, he withdrew the request for an Order of Possession.

Despite being served with the Notice of Hearing served in person on January 20, 2009, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, it proceeded in their absence.

### **Issue(s) to be Decided**

This application requires a decision on whether the landlord is entitled to a Monetary Order for rent and utilities and filing fee, and authorization to retain the security deposit in set off against the balance.

## Background and Evidence

This tenancy began December 1, 2008. Rent was \$1,400 per month and the landlord holds a security deposit of \$700 paid in installments to December 15, 2008.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served when the tenants had not paid the rent for December 2008 or January 2009. In addition, by the rental agreement, the tenants were responsible for hydro. The landlord advised that he did not have the hydro bill at the time of the hearing. However, he stated that the home was heated electrically and the winter bills were always substantially greater than \$100 per month, but that he would only claim \$200 for the two months of the tenancy.

## Analysis

I find that the landlord is entitled to a Monetary Order for the unpaid rent and the lower than actual estimate for utilities, and the filing fee for this proceeding and authorization to retain the security deposit in set off as follows:

December 2008 rent	\$1,400.00
January 2009 rent	1,400.00
Utilities for both months	200.00
Filing fee	50.00
Sub total	\$3,050.00
Less retained security deposit	- 700.00
Less interest (Dec. 15, 2008 to date)	- .89
<b>TOTAL</b>	<b>\$2,349.11</b>

**Conclusion**

Thus, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for **\$2,349.11**.

February 16, 2009

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Dispute Resolution Officer