



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: OPR, MNR, MNSD, & FF

Introduction:

This hearing dealt with an application by the landlord for an Order of Possession and a monetary claim related to non-payment of rent and utilities by the tenants. Although the tenants were served with notice of this hearing and application in person on January 20, 2009 they did not attend the hearing. I have proceeded with the hearing in the tenants' absence.

Issues to be Determined:

Is the landlord entitled to an Order of Possession due to non-payment of rent and utilities? Is the landlord entitled to a monetary claim due to non-payment of rent and utilities?

Background and Evidence:

In the absence of any evidence from the tenants, I accept the evidence of the landlord that this tenancy began on October 1, 2008 for the monthly rent of \$800.00 plus 30 percent of the total utilities. The tenants paid a security deposit of \$400.00 on October 1, 2008.

Analysis:

I accept the landlord's evidence that the tenants were served with a 10 day Notice to End Tenancy due to non-payment of rent on January 10, 2009. I also accept the landlord's evidence that the tenants abandoned the rental unit sometime after January 20, 2009. As a result an Order of Possession is no longer required.

I accept the evidence before me that the tenants failed to pay rent for January 2009 for the sum of \$800.00 and have caused the landlord a loss of revenue for February 2009 for the sum of \$800.00. I do not accept the landlord's request for a monetary loss for utilities as no evidence was provided to support this claim.

I find that the landlord has established a total monetary claim for the sum of \$1,650.00 comprised of the established loss of rent plus the recovery of the \$50.00 filling fee paid by the landlord for this application. From this sum I Order that the landlord may retain the tenants' security deposit plus interest of \$401.51 in partial satisfaction of this claim.

I grant the landlord a monetary Order for the remaining balance owed of **\$1,248.49**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

The landlord's application is granted and a monetary Order has been issued to the landlord for loss of rent.

Dated February 26, 2009.

Dispute Resolution Officer