



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with the landlord's request for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent and utilities. The tenant did not appear at the hearing. The landlord provided testimony that the landlord served the tenant with notification of today's hearing in person on April 25, 2009. Having been satisfied that the landlords adequately served the tenancy in accordance with the requirements of the Act, the hearing proceeded without the tenant present.

At the commencement of the hearing, the landlord indicated the female landlord's name was incorrectly spelled on the Landlord's Application for Dispute Resolution. This decision and accompanying order reflects the correct name of the female landlord.

The landlord testified that the tenant vacated the rental unit and the landlord has already regained possession. As the landlords no longer require an Order of Possession, the remainder of this decision pertains to the monetary claim only.

Issues(s) to be Decided

Whether the landlords have established an entitlement to recover unpaid rent and utilities from the tenant, and if so, the amount.

Background and Evidence

The landlord provided evidence that the tenant and a co-tenant signed a tenancy agreement and moved into the rental unit on February 19, 2009. The female co-tenant moved out of the rental unit only a couple of days later. The tenancy agreement provides that the tenants are required to pay rent of \$500.00 per month, plus ½ of the

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hydro bill. The landlord testified that the date the rent is due depends on when the tenancy starts. The landlord testified that he received \$500.00 from the tenant a few weeks after he moved in but did not receive the rent owed on March 19, 2009. The landlord personally served the tenant with a *10 Day Notice to End Tenancy for Unpaid Rent* (the Notice) on April 2, 2009. The Notice indicates \$500.00 was outstanding as of March 19, 2009 and has an effective date of April 12, 2009. The Notice also indicates that the tenant had failed to pay the security deposit of \$250.00. The landlord testified that the tenant vacated the rental unit on April 27, 2009 and the rental unit was re-rented as of May 18, 2009.

In making this application for dispute resolution the landlord was seeking to recover \$1,060.00 for unpaid rent and utilities. The landlord provided a copy of the tenancy agreement and Notice as evidence for the hearing.

Analysis

Having reviewed all of the evidence before me, I am satisfied that the tenant was required to pay rent on the 19th day of every month. The tenant failed to pay as of March 19, 2009 and the landlords are entitled to recover that amount from the tenant. I am satisfied that the tenancy ended on April 12, 2009 yet the tenant continued to reside in the rental unit until April 27, 2009. According, I also award the landlords loss of rent of \$500.00 for the period starting April 19, 2009. Therefore, the landlords have satisfied me of an entitlement to a Monetary Order for unpaid rent and loss of rent totaling \$1,000.00.

Since the landlords did not provide documentary evidence that the tenant was provided with a written demand for utilities, or provide a copy of a hydro bill for the hearing, I do not award unpaid utilities to the landlords.



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I award the filing fee of \$50.00 to the landlords. In light of these finding, I provide the landlords with a Monetary Order in the total amount of \$1,050.00. The landlords must serve the Monetary Order upon the tenant and may file it in Provincial Court (Small Claims) to enforce as an Order of that court.

Conclusion

The landlords are provided a Monetary Order in the amount of \$1,050.00 to serve upon the tenant.

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 29, 2009.

Dispute Resolution Officer