



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR, OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlords for an Order of Possession and a Monetary Order for unpaid rent and utilities as well as to recover the filing fee for this proceeding. The Tenants applied to cancel a Notice to End Tenancy for Unpaid Rent and Utilities. At the beginning of the hearing, the Landlords claimed that the Tenants moved out of the rental unit and therefore they abandoned their application for an Order of Possession.

The Landlords said they served the Tenants in person on April 22, 2009 with a copy of the application and Notice of Hearing. I find that the Tenants were served as required under s. 89 of the Act and the hearing proceeded in the Tenants' absence.

Issues(s) to be Decided

1. Are there arrears of rent and utilities and if so, how much?

Background and Evidence

This month to month tenancy started on November 1, 2008 and ended on May 15, 2009 when the Tenants moved out. Rent was \$1,600.00 per month payable on the 31st day of each month in advance plus utilities. The Landlords said they gave the Tenants until April 7, 2009 to pay April, 2009 rent but they still did not pay it and as a result, on April 13, 2009, the Landlords posted a 10 Day Notice to End Tenancy on the Tenants' door. The Landlords claim that the Tenants have not paid rent for April or May, 2009 and have not paid outstanding utilities.

The Landlords also claim that the Tenants left a number of possessions behind on the rental property but failed to return to pick them up after they moved out. The Landlords also claim that when they contacted one of the Tenants to retrieve the articles, he told them to throw the articles out.

Analysis

In the absence of any evidence from the Tenants, I find that there is unpaid rent for April, 2009 and for May 1 – 15, 2009 and that the Landlords are entitled to a loss of rental income for the period May 16 – 31, 2009, for a total of \$3,200.00. However, the



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Landlords did not provide copies of the bills for the utilities they claim are owed by the Tenants and as a result, that part of their claim is dismissed with leave to reapply. As the Landlords have been successful in this matter, they are also entitled to recover their \$50.00 filing fee for this proceeding.

The Landlords did not apply in this hearing to recover the cost of repairs, cleaning or disposing of garbage and/or storing the Tenants' possessions and are at liberty to re-apply for those matters and any further loss of rental income that may result.

Conclusion

The Tenants' application is dismissed. A monetary order in the amount of **\$3,250.00** has been issued to the Landlords and a copy of it must be served on the Tenants. If the amount is not paid by the Tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: May 28, 2009.

Dispute Resolution Officer