



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlords for a monetary order for unpaid rent and utilities as well as to recover the filing fee for this proceeding. The Landlords also applied to keep the Tenant's security deposit to offset the rent arrears.

The Landlords served the Tenant with a copy of the Application and Notice of Hearing by registered mail on April 6, 2009 to a forwarding address provided by the Tenant. According to the Canada Post online tracking system, a notification card was left for the Tenant on April 8, 2009, however he did not pick up the hearing package. I find that the Tenant was served as required by s. 89 of the Act and the hearing proceeded in his absence.

Issues(s) to be Decided

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

Background and Evidence

This fixed term tenancy started on October 1, 2008 and was to expire on June 30, 2009 however on or about March 5, 2009, the Landlords claim they discovered that the Tenant had abandoned the rental unit. Rent was \$1,000.00 per month plus utilities. The Tenant paid a security deposit of \$500.00 on August 8, 2008. The Landlords also claim that the Tenant has not paid rent for January, February and March 2009 and has unpaid bills for water, telephone and electricity.

Analysis

Section 45(2) of the Act says that a Tenant may not end a fixed term tenancy any earlier than the day indicated in the tenancy agreement as the last day of the tenancy. I find that the Tenant did not give any notice to the Landlords that he was ending the tenancy. Given that the Landlords discovered on March 5, 2009 that the Tenant had abandoned the rental unit, I find that the Tenant is responsible for unpaid rent or a loss of rental income for January, February and March 2009.

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Based on utility statements provided by the Landlords, I also find that there are unpaid utilities for which the Tenant is responsible under the tenancy agreement. In the absence of any contradictory evidence from the Tenant, I find that the Landlords are entitled to the following amounts:

Unpaid rent January 2009:	\$1,000.00
Unpaid rent February 2009:	\$1,000.00
Unpaid rent March 2009:	\$1,000.00
Unpaid Hydro:	\$855.64
Unpaid Telephone:	\$133.68
Unpaid Water:	<u>\$242.91</u>
Subtotal:	\$4,232.23

I also find that the Landlords are entitled to recover their \$50.00 filing fee for this proceeding. Pursuant to s. 38(4) of the Act, I order the Landlords to keep the Tenant's security deposit plus accrued interest in partial payment of the rent arrears. The Landlords will receive a monetary order for the balance owing as follows:

Damage award:	\$4,232.23
Filing fee:	<u>\$50.00</u>
Subtotal:	\$4,282.23
Less: Security deposit:	(\$500.00)
Accrued interest:	<u>(\$2.99)</u>
Balance owing:	\$3,779.24

The Landlords also sought compensation for carpet cleaning expenses. RTB Policy Guideline #1 says that carpet cleaning will generally be required when a Tenant has resided in the rental property for a year. In this case, the Tenant resided in the rental property for approximately 6 months. In the absence of any evidence (such as a condition inspection report, photographs or an estimate) that carpet cleaning was necessary, I find that there is insufficient evidence to support this part of the Landlords' claim and it is dismissed.

Conclusion

A monetary order in the amount of **\$3,779.24** has been issued to the Landlords and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, the order may be filed in the Provincial (Small Claims) Court of British Columbia and



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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: July 02, 2009.

Dispute Resolution Officer