

DECISION

Dispute Codes FF, MNDC, MNR, OPB, OPR

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on July 6, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an Order of Possession, and a request for a monetary order for \$3943.50.

Background and Evidence

The applicant testified that:

- The tenant was served with a Notice to End Tenancy for non-payment of rent, on May 31, 2010 however to date he has still not vacated the rental unit.
- There is rent outstanding to the end of July 2010 totalling \$2834.97.
- Since we are well into July he is also requesting the August 2010 rent of \$800.00.
- He estimates it will take in 15 hours to clean the rental unit when the tenant vacates, at a cost of \$22.00 per hour for a total of \$330.00.
- He estimates the carpet cleaning cost when the tenant vacates to be \$93.45, based on the cost of the cleaning when the tenant moved into the rental unit.
- There are also outstanding utility bills for April 2010 and May 2010 totalling \$100.43.
- He also estimates the total utility bills for the months of June 2010 July 2010 and August 2010 to be \$59.78.

- It is also asking for late fees for the months of June 2000 tenant July 2010 and August 2010 of \$25.00 per month for a total of \$75.00.

The applicant is therefore requesting an order as follows:

Rent outstanding to the end of July 2010	\$2834.87
Estimated cleaning costs	\$330.00
Outstanding April gas utility	\$63.80
Outstanding May gas utility	\$36.63
Estimated June gas utility	\$19.00
Estimated July gas utility	\$19.39
Estimated August gas utility	\$21.39
June 2010 late fee	\$25.00
July 2010 late fee	\$25.00
Expected August 2010 late fee	\$25.00
Estimated Carpet cleaning cost	\$93.45
Filing fee	\$50.00
Credit security deposit	-\$400.00
Total	\$3943.53

The applicant is also requesting that an Order of Possession be issued for as soon as possible.

Analysis

Rent is well past due and therefore the landlord does have the right to an Order of Possession. I therefore allow the landlords request for the Order of Possession.

I will also allow the majority of the landlords monetary claim however it is my decision that a portion of the claim is premature because at this time we do not know that the landlord will lose the full August 2010 rent, nor do we know whether or not the unit will be left in need of 22 hours of cleaning, or carpet cleaning.

I will allow the following portion of the claim:

Rent outstanding to the end of July 2010	\$2834.87
Outstanding May gas utility	\$36.63
Estimated June gas utility	\$19.00
Estimated July gas utility	\$19.39
June 2010 late fee	\$25.00
July 2010 late fee	\$25.00
Filing fee	\$50.00
Credit security deposit	-\$400.00

Total	\$2673.69
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Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent's.

I have issued a monetary order for \$2673.69.

I dismissed with leave to reapply, the claims for August 2010 rent of \$800.00, August 2010 late fee of \$25.00, August 2010 gas utility of \$21.39, cleaning costs of \$330.00, and carpet cleaning costs of \$93.45.

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 26, 2010.

Dispute Resolution Officer