

Decision

Dispute Codes: OPR, MT, CNR, MNR, MNDC, MNSD, RP, PSF, FF

Introduction

This hearing dealt with two applications: 1) by the landlord for an order of possession; a monetary order for unpaid rent or utilities; compensation for damage or loss under the Act, regulation or tenancy agreement; retention of the security deposit; and recovery of the filing fee; 2) by the tenants for more time to make an application to cancel a notice to end tenancy; cancellation of a notice to end tenancy for unpaid rent or utilities; an order instructing the landlord to make repairs to the unit, site or property; and an order instructing the landlord to provide services or facilities required by law.

The landlord participated in the hearing and gave affirmed testimony.

Despite being served in person with the landlord's application for dispute resolution and notice of hearing on June 4, 2010, and despite scheduling of this hearing in response to an application for dispute resolution from both parties, the tenants did not appear.

The landlord withdrew the aspect of his application concerning an order of possession, as the tenants vacated the unit within the last few days. The tenants did not announce to the landlord that they were leaving the unit, and did not provide a forwarding address.

Issues to be decided

- Whether the landlord is entitled to any of the above under the Act, regulation or tenancy agreement

Background and Evidence

A written tenancy agreement is not in evidence for the month-to-month tenancy which began on February 1, 2010. At the outset of tenancy, it was agreed that monthly rent would be \$550.00 and that rent would not include utilities. A security deposit of \$275.00

was collected on February 1, 2010. A move-in condition inspection report was not completed.

Arising from unpaid rent for May and unpaid utilities from February to May, the landlord issued a 10 day notice to end tenancy dated May 4, 2010. The landlord testified that the parties subsequently agreed that effective June 1, 2010, monthly rent would be \$700.00 and that it would include utilities (hydro and gas). Following issuance of the notice, the tenants made no payments toward rent or utilities and, as previously stated, they abandoned the unit within a few days before the date of this hearing.

After discovering that the tenants had left the unit, the landlord entered and found there was a need for extensive cleaning, refuse removal and repairs to damage. The landlord submitted photographs of the unit and a quote for miscellaneous labour and materials in the total amount of \$1,625.00.

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent and utilities dated May 4, 2010. The tenants did not pay the outstanding rent or utilities within 5 days of receiving the notice. While the tenants applied for more time to apply to cancel the notice and also applied to cancel the notice, they did not attend the hearing and later they abandoned the unit.

As for the monetary order, I find that the landlord has established a claim as follows:

\$300.54: *unpaid gas utility from February to May*

\$550.00: *unpaid rent for May*

\$1,400.00: *unpaid rent / loss of rental income combined for June & July (2 x \$700.00)*

\$50.00: *filing fee*

Sub Total: \$2,300.54

Pursuant to the details set out above, I find that the landlord has presently established monetary entitlement in the amount of \$2,300.54. I order that the landlord retain the security deposit of \$275.00 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$2,025.54 (\$2,300.54 - \$275.00).

As to the additional evidence submitted by the landlord on July 12, 2010, this information was submitted late, the costs appear to be estimates and there are therefore no receipts and, finally, as the tenants' whereabouts are unknown this late evidence was unable to be served on them. Accordingly, this aspect of the landlord's application is hereby dismissed with leave to reapply.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of \$2,025.54. This order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: July 13, 2010

Dispute Resolution Officer