

Decision

Dispute Codes: OPR / OPC / OPB, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent or utilities, retention of the security & pet damage deposits / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. The landlord withdrew the application for an order of possession, as the tenants have now vacated the unit. Despite being served in person on July 10, 2010 with the application for dispute resolution and notice of hearing, the tenants did not appear.

Issues to be decided

- Whether the landlords are entitled to any or all of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on January 16, 2010. Rent in the amount of \$1,350.00 was payable in advance on the first day of each month. The tenants were also responsible for paying 60% of the monthly utilities. A security deposit of \$675.00 and a pet damage deposit of \$100.00 were collected at the outset of tenancy.

As a result of miscellaneous concerns about the tenancy, the landlords issued a 1 month notice to end tenancy for caused dated June 10, 2010. Subsequently, the tenants vacated the unit on July 15, 2010 and did not inform the landlords of their forwarding address.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 1 month notice to end tenancy for cause dated June 10, 2010. Thereafter, as the tenants vacated the unit on July 15, 2010, the landlord withdrew the application for an order of possession.

As for the monetary order, I find the landlords have established a claim of \$1,139.10:

\$675.00: unpaid rent from July 1 to July 15, 2010

\$67.42: unpaid hydro from February 5 to April 6, 2010

\$148.29: unpaid hydro from April 7 to June 4, 2010

\$69.02: unpaid gas from March 5 to April 6, 2010

\$71.90: unpaid gas from April 7 to May 5, 2010

\$57.47: unpaid gas from May 6 to June 4, 2010

\$50.00: filing fee

Total: \$1,139.10

I order that the landlords retain the security deposit and pet damage deposit in the combined amount of \$775.00 (\$675.00 + \$100.00), and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$364.10 (\$1,139.10 - \$775.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$364.10**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 30, 2010

Dispute Resolution Officer