



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPC, MNR, MNDC, MND, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of Possession for Cause, a monetary Order for unpaid rent, damages and loss under the Act, damage to rental unit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession for Cause

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to a monetary Order for damages, loss and damages to the rental unit?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on March 15, 2010. Rent is \$450.00 per month, due on the fifteenth day of each month. The tenant worked for the landlord until June 19, 2010.

The landlord issued a 1 Month Notice ending tenancy for cause. The Notice did not have an issue date, as required by section 52 of the Act.

The landlord is claiming compensation in the sum of \$2,600.00 for unpaid rent, utilities and damages.

Mutual Agreement to End Tenancy

The tenant testified that she would move out of the rental unit by September 15, 2010. The tenant understood that a mutual agreement would result in the landlord receiving an Order of possession for that date. Both parties agreed that the tenancy would end on September 15, 2010, at 1 p.m.

An Order of possession, effective September 15, 2010; has been issued to the landlord, based on this mutual agreement.

Unpaid Rent

During the hearing the tenant agreed she has yet to pay rent owed for July 15 to August 14, 2010. The tenant will pay this amount by Friday and I have issued the landlord a monetary Order in the sum of \$450.00, based upon the tenant's acknowledgment of the unpaid rent.

Utilities

The landlord requested a monetary order for hydro included on a bill issued on July 27, 2010. This bill is due on August 27, 2010. The landlord stated they had a mutual agreement that the tenant would pay these bills at the time she was given Notice. The tenant stated that she agreed to pay hydro costs, but believes she should pay the bill when it is due and not any earlier. The tenant was given a copy of the most recent bill on July 28, 2010.

The tenant has paid the previous hydro bill to July 27, 2010.

The landlord asked that the tenant place the bill in her name until the tenancy ends.

The tenant agreed to pay any utility costs owed on the last day of her tenancy.

The parties discussed an upcoming hearing on the tenant's Application in relation to a rent increase dispute. The tenant indicated that she is satisfied that her rent is confirmed at \$450.00 per month and that the landlord had wanted to increase the rent by \$200.00 per month.

Analysis

The parties reached mutual agreement to end this tenancy by September 15, 2010, at 1 p.m. On that basis I will grant the landlord an Order of Possession that is effective on September 15, 2010, at 1 p.m.

I find that the tenant has not paid rent in the amount of \$450.00 owed for July 15 to August 14, 2010, and that the landlord is entitled to compensation in that amount.

I find that the tenant is entitled to pay the utility bill no later than thirty days after having been given written Notice of the bill. Therefore, I find that the tenant must pay the hydro bill by August 27, 2010; the due date of the bill. The parties did not reach agreement in

relation to placing the tenant's name on the hydro bill and, in the absence of a written tenancy agreement that sets out the terms of the tenancy, I decline to make any Order.

The landlord provided no testimony in support of the balance of her claim for compensation. There is no evidence of any damage to the rental unit, the tenant owes only one month's rent and has paid all utilities owed to date.

As the tenant had not paid rent owed, I find that the landlord's application has partial merit and that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The tenant is at liberty to cancel her upcoming hearing. During this hearing I confirmed with both parties that rent is set at \$450.00 per month and informed the parties that rent increases must follow the requirements of the Act, limiting 2010 increases to 3.2%, when imposed as provided by the Act.

Conclusion

Based on a mutual agreement between the parties, the landlord has been granted an Order of Possession that is effective September 15, 2010, at 1 p.m. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim, in the amount of \$500.00, which is comprised of \$450.00 July rent owed and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$500.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court. The parties should retain proof of any payment made.

The balance of the landlord's Application is dismissed.

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: August 04, 2010.

Dispute Resolution Officer