

DECISION

Dispute Codes OPR, MNR

Introduction

This is an application by the Landlord for an order of possession from a notice to end tenancy for unpaid rent and utilities, also being sought is a monetary order for unpaid rent and utilities. Both parties attended by conference call and gave affirmed testimony.

Issues(s) to be Decided

Is the Landlord entitled to an order of possession?

Has the Landlord shown that the Tenant has failed to pay the rent and utilities?

Background and Evidence

This Tenancy began on July 1, 2006 with a \$650.00 rent payable on or before the 1st of each month. The Tenancy agreement shows this as well as a security deposit of \$325.00 and a pet deposit of \$325.00. The Landlord cannot comment on the security deposit if or when a deposit was made due to being newly retained. The Tenant states that he had no pets and did not make any pet deposit and does not recall when or if he made a security deposit. The notice to end tenancy was posted on the residence on August 23, 2010. The hearing package was sent by registered mail on September 9, 2010. The Tenant has stated that he had vacated the residence on October 3, 2010 and the Landlord has confirmed this as of October 6, 2010. The Landlord is applying for a monetary amount of \$6,790.07. This total is explained in the Landlord's spreadsheet as \$3,601.20 for rent arrears and \$3,188.87 for unpaid utilities. The Tenant does not dispute these amounts or their validity.

Analysis

The Tenant has vacated the residence and the Landlord has confirmed this, so I find that the order for possession is no longer being sought as the Landlord now has possession of the residence as of October 6, 2010.

The Landlord has shown arrear costs of rent and utilities through the Landlords rental spreadsheets as well as utilities bills. The Tenant has conceded these arrears. I find that the Landlord has proven their claim. I grant a monetary order for the claim under section 67 of \$6,790.07 to the Landlord. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$6,790.07.

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*.