

## DECISION

Dispute Codes      MNR, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for unpaid rent and utilities pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord's representative (the landlord) testified that she sent the tenant a copy of the dispute resolution hearing package by registered mail on July 21, 2010. She provided a Canada Post Tracking Number to confirm this mailing. I am satisfied that the landlord has served the application for dispute resolution to the tenant in accordance with the *Act*.

### Issues(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent and utilities? Is the landlord entitled to recover the filing fee for this application from the tenant?

### Background and Evidence

The landlord testified that the tenant moved into the rental premises on July 17, 2009, in advance of the scheduled August 1, 2009 commencement of this one-year fixed term tenancy. She said that the landlord did not charge the tenant rent for the portion of July 2009 when he was there. The fixed term tenancy agreement submitted as written evidence by the landlord indicated that the tenant was to vacate the rental premises on July 31, 2010. Monthly rent was set at \$1,700.00, payable on the first of the month. The tenant was to pay all utilities, including metered water. The landlord said that she continues to hold the tenant's \$850.00 security deposit paid on or about July 17, 2009.

The landlord testified that the tenant decided to leave this tenancy one month early as he was to obtain occupancy of a home he had purchased for the month of July 2010. The landlord applied for a monetary award of \$1,700.00 for unpaid rent for July 2010. She also submitted into written evidence copies of unpaid water bills in the amount of \$233.00 arising from this tenancy. She testified that the tenant refused to pay his water bills for the duration of this tenancy. She also applied for recovery of the filing fee for this application.

### Analysis

Based on the landlord's undisputed evidence, I issue the landlord a monetary award of \$1,700.00 for the tenant's failure to pay rent for July 2010, the last month of his fixed term tenancy agreement. I also issue a monetary award in the landlord's favour in the amount of \$233.00 for unpaid utilities. I do so as I am satisfied by the landlord's undisputed evidence that the tenant was responsible for this charge for unpaid metered water for this rental property.

Although the landlord did not apply to retain the tenant's security deposit, in accordance with the offsetting provisions of section 72(2) of the *Act*, I allow the landlord to retain the tenant's \$850.00 security deposit plus allowable interest in partial satisfaction of the landlord's monetary award. No interest is payable over this period.

As the landlord has been successful in this application, I allow the landlord to recover the filing fee for this application from the tenant.

### Conclusion

I issue a monetary Order in the amount of **\$1,133.00** in the landlord's favour under the following terms:

<b>Item</b>	<b>Amount</b>
Unpaid July 2010 Rent	\$1,700.00
Unpaid Utilities	233.00
Less Security Deposit	-850.00
Recovery of Filing Fee for this application	50.00
<b>Total Monetary Order</b>	<b>\$1,133.00</b>

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court.

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*.