



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes OPR, MNR, MNSD, MNDC, FF, O

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlords participated in the conference call hearing but the tenant did not. The landlords presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail on February 7, 2011. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in her absence.

At the outset of the hearing the landlords advised that the tenant had vacated the rental unit on February 14, 2011. The landlords advised that an order of possession is no longer required and withdrew their claim for an order of possession and their claim for estimated bailiff costs. The landlords also advised that although they originally made a claim for rent for the months of November, 2010 and February 2011, they wished to limit their claim to loss of rent for November 2010 and half a month's rent for February 2011. The landlord also seeks to recover unpaid utility bills for February 2011.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order for unpaid rent and utilities?

### Background and Evidence

The tenancy began on August 1, 2010 at which time a \$400.00 security deposit was paid. The rent in the amount of 800.00 with an additional \$50.00 a month for water and sewage is payable in advance on the first day of each month. The tenant failed to pay rent in the months of November 2010 and February 2011.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant has failed to pay rent for the month of November and half of February. I find that the landlords have established a claim for \$1275.00 in unpaid rent. The landlords are also entitled to recovery of the \$50.00 filing fee paid to bring their application. I order the landlords retain the \$400.00 security deposit in partial satisfaction of the claim and I grant the landlords an order under section 67 for the balance due of \$925.00. The landlords were seeking \$146.00 for unpaid utilities for the month of February 2011. They were premature in filing for this application as the landlords have yet to receive the February bill for utilities from their service provider. I dismiss their claim with leave to reapply.

### Conclusion

The landlord is granted a monetary order for \$925.00. The landlord may retain the security deposit.

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: February 18, 2011.

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Residential Tenancy Branch