

DECISION

Dispute Codes:

MNR, MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67
2. An Monetary Order for compensation for damage and loss – Section 67
3. An Order to retain the security - Section 38
4. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided tracking information for the registered mail.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

This tenancy ended in accordance with a previous decision of the Director. The undisputed evidence in this matter is as follows. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$1000, which the landlord still retains. At the end of the tenancy, the tenant failed to pay rent arrears in the amount of \$575. In addition, the landlord is claiming costs for "junk removal" in the

amount of \$324, Unpaid electrical utility of \$38.79 and unpaid gas utility of \$164.43 – all of which the landlord has provided evidence in support of these claims. The landlord is also claiming costs associated with enforcing an Order of Possession (court and bailiff fees) – which are not supported by evidence from the landlord.

Analysis

I find that the landlord has established a monetary claim for the unpaid rent, junk removal and the unpaid utilities. In the absence of supporting evidence for the enforcement related costs, these claims are **dismissed**, with leave to reapply.

The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1152.22**. The security deposit will be off-set from the award made herein.

Calculation for Monetary Order

Rental Arrears	\$575.00
Junk Removal costs	\$324.00
Unpaid utility – electricity	\$38.79
Unpaid utility – gas	\$164.43
Filing Fees for the cost of this application	50.00
Less Security Deposit and applicable interest <i>to date</i>	-1000.00
Total Monetary Award	\$152.22

Conclusion

I order that the landlord retain the security deposit of \$1000 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$152.22**. If necessary, this order may be filed in the Small Claims Court and enforced as an order 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*.