



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

MNR, 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. A Monetary Order for compensation for loss under the Act - Section 67;
3. An Order to recover the filing fee for this application (\$100) - 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 proof of the registered mail service via a receipt and a tracking number for the registered mail which the landlord claims was sent December 11, 2010 to the forwarding address provided by the tenant.

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

The tenancy began on December 01, 2009 and ended when the tenant vacated on July 01, 2010. The landlord provided a tenancy agreement. Rent in the amount of \$1275 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$690 which the

landlord still retains. The tenant failed to pay all of the rent for December 2009 to March 2010. The landlord claims that the tenant further failed to pay rent in the months of May and June 2010, and neglected to pay utilities bills for March, May and June 2010. The quantum of the landlord's monetary claim is as follows:

Rent December 2009 – March 2010	\$3500.00
Rent May 2010	1275.00
Rent June 2010	1275.00
Telus bill March 2010	\$166.22
Telus bill May 2010	\$137.17
Telus bill June 2010	126.93
Hydro bill (May+June 2010)	129.58
Payment received by tenant in Sept – Oct. 2010	-160.00
Total Monetary claim by landlord	\$6449.90

The landlord provided a copy of a handwritten agreement by the tenant and the landlord dated June 18, 2010 in which the tenant agrees with, and to, a financial obligation to the landlord in the amount of \$6599.00 for unpaid rent and utilities. The agreement is signed by the tenant and the landlord and witnessed. The agent for the landlord testified that he was also a witness to the tenant's signature of the agreement.

Analysis

Based on the undisputed testimony and evidence of the landlord, and on the balance of probabilities, I find that the tenant has not paid the outstanding rent and utilities to which the landlord is claiming.

In the absence of any evidence from the tenant to the contrary I find the landlord has established a monetary claim for unpaid rent and utilities in the amount of **\$6449.90**. The landlord is also entitled to recovery of the \$100 filing fee, for a total entitlement of **\$6549.90**. I will set off the security deposit held by the landlord from the award made herein.

Calculation for Monetary Order

Rent December 2009 – March 2010	\$3500.00
Rent May 2010	1275.00
Rent June 2010	1275.00

Telus bill March 2010	\$166.22
Telus bill May 2010	\$137.17
Telus bill June 2010	126.93
Hydro bill (May + June 2010)	129.58
Filing fee for this application	100.00
<i>Payment received by tenant in Sept – Oct. 2010</i>	<i>-160.00</i>
<i>Less security deposit held by landlord</i>	<i>-690.00</i>
Total Monetary claim by landlord	\$5859.90

Conclusion

I order that the landlord retain the deposit of \$690 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$5859.90**. 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*.