



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain an Order of Possession, a Monetary Order for unpaid rent and utilities, and to recover the cost of the filing fee. At the outset of the hearing the landlords' agent confirmed that the tenants have moved out and they withdraw their application for an Order of Possession.

Service of the hearing documents, by the landlord to the tenants, was done in accordance with section 89 of the *Act*, sent via registered mail on March 23, 2011. The tenants are deemed to be served these documents the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlords agent appeared, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form. There was no appearance for the tenants, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Issues(s) to be Decided

- Is the landlord entitled to a Monetary Order to recover unpaid rent and utilities?

Background and Evidence

This month to month tenancy started on August 01, 2010. The tenancy ended on March 27, 2011. Rent for this unit was \$1,290.00 per month due on the 1st of each month. Rent included the first \$100.00 of any utilities and the balance was agreed to be paid by the tenants.

The landlords' agent testifies that the tenants were repeatedly late paying rent and failed to pay any rent for March, 2011. The landlord issued a 10 Day Notice to End Tenancy for unpaid rent

on March 05, 2011. This was served in person to the tenants. The tenants had five days to either pay the outstanding rent or apply for Dispute Resolution or the tenancy would end on March 15, 2011. The tenants did not pay the outstanding rent or dispute the Notice and moved from the rental unit on March 27, 2011. The landlord is seeking a Monetary Order for rent arrears for March, 2011 to the sum of \$1,290.00.

The landlords' agent testifies that the tenants failed to pay the balance of the utilities. The landlords' agent testifies the tenant was notified of the payment due of \$367.14. The landlord has provided copies of the bill.

Analysis

The tenants did not appear at the hearing to dispute the landlords claims, despite having been given a Notice of the hearing; therefore, in the absence of any evidence from the tenants, I have carefully considered the landlords documentary evidence and affirmed testimony of his agent before me. Section 26 of the *Act* states that rent must be paid on the day it is due. In this case rent was due on the first of each month and the tenants failed to make the payment for March, 2011. Therefore, I find that the landlord is entitled to recover rent arrears of **\$1,290.00** pursuant to s. 67 of the *Act*.

I further find the tenants did not pay their share of the utility bill after requests for payment and the landlord is therefore entitled to recover the sum of **\$367.14** from the tenants pursuant to s. 67 of the *Act*.

As the landlord has been successful in this matter, he is also entitled to recover the **\$50.00** filing fee for this proceeding pursuant to s. 72(1) of the *Act*.

The landlord will receive a monetary order for the balance owing as follows:

Outstanding rent	\$1,290.00
Subtotal	\$1,657.14
Plus filing fee	\$50.00
Total amount due to the landlord	\$1,707.14

Conclusion

I HEREBY FIND in favor of the landlord's monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for **\$1,707.14**. The order must be served on the tenants and is enforceable through the Provincial Court 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*.

Dated: April 14, 2011.

Residential Tenancy Branch