



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent, to keep all or part of the security deposit, money owed or compensation for damage or loss and recovery of the filing fee. Both parties participated in the conference call hearing.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

This 1 year fixed term tenancy began March 1, 2010 with monthly rent of \$1144.00, the tenants paid a security deposit of \$550.00. On December 17, 2010 the tenants gave the landlord notice that they would be vacating the rental property February 1, 2011 which was 1 month prior to the tenancy end date of February 28, 2011.

The landlord testified that the tenants gave the landlord notice December 17, 2010 that they would be vacating the rental unit February 1, 2011 and the tenants vacated the property January 31, 2011. The landlord wrote to the tenants advising them that they would be responsible for the February 2011 rent and that they were breaking the lease. The tenant testified that they had vacated at the end of January as they had purchased a home, needed to take up occupancy of their new home and could not afford to pay both rent and their mortgage.

The landlord stated that the tenants had signed the \$550.00 security deposit over to the landlord and the tenant responded that they had done so because of the condition they left the property in. The landlord stated that due to the condition of the property the residence could not be rented in February 2011 and was finally rented out in June 2011.

The landlord stated that the tenants had not paid the final utility bill which at the time of application was \$471.58. The tenant responded that they had made a payment on the utility bill and the current balance owing is \$121.58.

The landlord in this application is seeking \$1144.00 compensation for the February 2011 unpaid rent and the \$121.58 balance owed on the utility bill.

### Analysis

Based on the documentary evidence and testimony I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent and utilities. The tenants broke the fixed term tenancy and due to the condition the property was left in by the tenants, the landlord could not rent the property in February 2011. The tenants also have an outstanding balance of \$121.58 owing on the utility bill.

I find that the landlord has established a claim for \$1265.58 in unpaid rent and utilities.

The landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$1265.58 in unpaid rent and utilities. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$1315.58**.

If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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*.

Dated: June 23, 2011.

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Residential Tenancy Branch