



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, 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. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent and utilities - Section 67;
3. An Order to retain the security deposit - Section 38; and
4. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by personal service in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

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

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the Landlord entitled to an Order of Possession?

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on July 1, 2011 to July 1, 2008. Rent in the amount of \$400.00 is payable in advance on the first day of each month. At the outset of the tenancy, the Landlord did not collect a security deposit from the Tenant. The Tenant failed to pay rent for the month of August 2011 and on August 6, 2011 the Landlord served the Tenant with a

notice to end tenancy for non-payment of rent by posting the Notice on the door. The Tenant moved out of the unit on August 15, 2011 and the Landlord states that an order of possession is no longer required. The Tenant has not filed an Application for Dispute Resolution. The Landlord claims \$400.00 for unpaid rent. The Landlord also claims unpaid utilities for cable in the amount of \$75.00 and for hydro in the amount of 80.00. The Landlords did not provide copies of these bills and states that the Tenant agreed to pay half of the bills that are paid by the Landlord.

Analysis

As the Tenant has moved out of the unit there is no need to determine the validity of the Notice and as the Landlord does not require an order of possession, I dismiss this part of the Landlord's application. Based on the Landlord's evidence, I find that the Tenant has not paid the rent for August and that the Landlord has established a monetary claim for \$400.00. Given the lack of invoices to support the claim for unpaid utilities, I find that the Landlord has not substantiated the claimed amounts and I therefore dismiss this claim. The Landlord is entitled to recovery of the \$50.00 filing fee for a total entitlement of \$450.00.

Conclusion

I grant the Landlord an order under Section 67 of the Act for the amount of **\$450.00**. 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*.

Dated: September 12, 2011.

Residential Tenancy Branch