



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, FF

### Introduction

This hearing dealt with the landlord's application for a Monetary Order for unpaid rent and utilities; authority to retain the pet deposit and security deposit; and, recovery of the filing fee paid for this application. The tenants did not appear at the hearing. The landlord provided two registered mail receipts, complete with tracking numbers, as proof of service of the hearing documents upon each of the tenants. The landlord testified the address used for service was the forwarding address provided by the tenant at the time of the move-out inspection on August 2, 2011 and that the registered mail was not returned. Having been satisfied the tenants were sufficiently served with notification of this hearing I proceeded to hear from the landlord without the tenants present.

### Issue(s) to be Decided

1. Has the landlord established an entitlement to recover unpaid rent and utilities from the tenants?
2. Is the landlord authorized to retain the tenants' security deposit and pet deposit in partial satisfaction of the amounts owed the landlord?

### Background and Evidence

The tenants entered into a one-year fixed term tenancy set to commence August 1, 2010. The tenants were required to pay rent of \$1,595.00 on the 1<sup>st</sup> day of every month. A \$797.50 security deposit and a \$797.50 pet deposit were transferred to this tenancy agreement from a previous agreement with the male tenant and his mother.

The tenants' rent cheque for July 2011 was returned for insufficient funds. The parties participated in a move-out inspection on August 2, 2011 and the female tenant provided the landlord with a forwarding address. The landlord filed this application on August 10, 2011 including a request to retain the deposits.

In addition to seeking unpaid rent of \$1,595.00 for July 2011 the landlord is also seeking to recover \$469.50 for an unpaid utility bill received from the municipality. The utility bill is for water and sewer charges up until July 29, 2011. The tenancy agreement indicates the tenants are responsible for water supply and sewage disposal.

Provided as evidence for this proceeding were copies of: the tenancy agreement; the tenants' ledger; the condition inspection reports; the utility bill; and, registered mail receipts.

### Analysis

Based upon the evidence presented to me, I am satisfied the tenants were obligated to pay rent for the month of July 2011 pursuant to their tenancy agreement and they failed to do so. Therefore, I grant the landlord's request to recover unpaid rent for the month of July 2011 in the amount of \$1,595.00.

Upon review of the tenancy agreement, I am satisfied the tenants are obligated to pay for water supply and sewage disposal and that the landlord paid a bill of \$469.60 for charges incurred during the tenancy. Therefore, I grant the landlord's request to recover \$469.60 from the tenants for utilities.

I authorize the landlord to retain the tenants' security deposit and pet deposit in partial satisfaction of the amounts awarded to the landlord. I further award the filing fee to the landlord.

In light of the above, I provide the landlord with a Monetary Order calculated as follows:

July 2011 unpaid rent	\$ 1,595.00
Unpaid water and sewer charges	469.60
Filing fee	50.00
Less: security deposit and pet deposit	<u>(1,595.00)</u>
Monetary Order for landlord	\$ 519.60

The landlord must serve the Monetary Order upon the tenants and may file it in Provincial Court (Small Claims) to enforce as an Order of the court.

### Conclusion

The landlord has been authorized to retain the security deposit and pet deposit in partial satisfaction of amounts owed the landlord. The landlord has been provided a Monetary Order for the balance owing of \$519.60 to serve upon the tenants.

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: October 18, 2011.

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Residential Tenancy Branch