



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, MNR, MNDC, ERP, PSF, LRE, MND, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the tenants for a number of orders and a cross-application by the landlord for a monetary order and order to retain the security deposit. Despite having been served with the landlord's application for dispute resolution and notice of hearing via registered mail on November 8, the tenants did not participate in the conference call hearing.

As the tenants did not appear at the hearing to advance their claim and as the landlord appeared and was ready to defend the claim, I dismiss the tenants' claim without leave to reapply.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenants were obligated to pay \$2,000.00 per month in rent and failed to pay rent in the months of October and November. The tenants were obligated to pay for hydro and natural gas costs during the tenancy and failed to do so. As a result, the landlord incurred a cost of \$636.85 to pay natural gas arrears and have the account transferred to his name and a further \$243.62 to pay hydro arrears.

The landlord also made a number of other claims relating to damage to the rental unit but at the hearing acknowledged that he had not had opportunity to acquire estimates or produce photographs.

Analysis

I accept the landlord's undisputed evidence and I find that the tenants failed to pay rent in the months of October and November. I award the landlord \$4,000.00. I further find that the tenants' failure to pay hydro and natural gas costs caused the landlord to incur expenses of \$243.62 and \$636.85 respectively. I find that the landlord should recover those costs and I award him \$880.47. I further find that the landlord should recover \$50.00 of the \$100.00 filing fee paid to bring this application and I award him \$50.00.

I find that the landlord brought the remaining claim for damage prematurely and I dismiss that claim with leave to reapply.

Conclusion

The landlord is awarded \$4,930.47 and I grant him a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The tenants' claim is dismissed without leave to reapply.

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: November 21, 2011

Residential Tenancy Branch