



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *MND, MNR, MNSD, FF*

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid utilities and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

The notice of hearing was served on the tenant on December 22, 2011, in person. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid utilities, the filing fee and to retain the security deposit?

### **Background and Evidence**

The tenancy started on February 01, 2011. The monthly rent is \$600.00 due in advance on the first of each month. The rent does not include utilities. The tenant paid a security deposit of \$300.00.

The landlord testified that the tenant served her with a written notice to end tenancy on November 18, 2011 with an effective date of November 30, 2011. The landlord stated that she informed the tenant that the effective date of such a notice would be December 31, 2011. As of the date of the hearing (January 09, 2012), the tenant had not moved out. The landlord is requesting an order of possession effective two days after service on the tenant.

The landlord filed a statement regarding utility payments that the tenant had failed to make for a total of \$457.89. The landlord is also applying for the recovery of the filing fee.

### **Analysis**

Based on the sworn testimony of the landlord, and in the absence of evidence to the contrary, I accept the landlord's evidence in respect of the claim. The tenant gave the landlord written notice to end the tenancy on November 18, but as of the date of the hearing, she had not moved out. I find that the landlord is entitled to an order of possession. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

The tenant was served copies of the utility bills and as of November 26 owes the landlord \$457.89. I find that the landlord is entitled to this amount. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00. I order that the landlord retain the security deposit of \$300.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$207.89. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of **\$207.89**.

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: January 09, 2012.

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Residential Tenancy Branch