



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*OPR, 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 a monetary order for unpaid rent, utilities and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his claim.

The notice of hearing was served on the tenant on April 04, 2012 by regular mail. 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

The tenant moved out on April 14, 2012. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover unpaid rent, utilities, and the filing fee? Is the landlord entitled to retain the security deposit in satisfaction of his claim?

### **Background and Evidence**

The landlord testified that the tenancy started on September 01, 2011. The monthly rent was \$2,500.00 due in advance on the first of each month and did not include utilities. The landlord filed a copy of the tenancy agreement. Prior to moving in, the tenant paid a security deposit of \$1,000.00 and a pet deposit of \$1,000.00. The tenant failed to pay full rent for March and also owed utilities for the prior months. On March 23, 2012; the landlord served the tenant with a ten day notice to end tenancy.

The tenant did not pay the outstanding rent and utilities. She moved out on April 14, 2012. The landlord stated that he had no intentions of re renting the unit and requested for rent for the period that the tenants occupied the unit. The landlord is claiming \$1,800.00 for March, \$1,250.00 for April and \$1,027.50 in outstanding utilities for a total of \$4,077.50.

**Analysis**

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of his claim. I find that the tenant owes \$1,800.00 for March, \$1,250.00 for April and outstanding utilities in the amount of \$1,027.50. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$4,127.50. I order that the landlord retain the security and pet deposits of \$2,000.00 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 \$2,127.50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

**Conclusion**

I grant the landlord a monetary order for **\$2,127.50**.

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: April 20, 2012.

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Residential Tenancy Branch