



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, MNDC, 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, loss of income, 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 20, 2012 by registered mail. The landlord filed a tracking slip. 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 sometime prior to May 04, 2012 without informing the landlord. The key was returned to the landlord on May 04, 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, loss of income, utilities and the filing fee? Is the landlord entitled to retain the security deposit?

### **Background and Evidence**

The landlord testified that the tenancy started May 01, 2011 and ended when the tenant moved out sometime prior to May 04, 2012. The monthly rent was \$1,800.00 due in advance on the first of each month and did not include utilities. The rental unit is a three level home. The tenant occupies the upper two levels and is responsible for 70% of the utility costs. Prior to moving in the tenant paid a security deposit of \$900.00.

The tenant failed to pay full rent and utilities for February, March and April 2012. On April 09; the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice and continued to occupy the rental unit without paying the outstanding rent. In addition the tenant failed to pay for utilities and at the time of the hearing, owed \$1,741.34 for utilities. The landlord filed copies of the utility bills. The landlord testified that he started looking for a tenant as soon as he had possession of the unit but had not found a tenant for May.

### **Analysis**

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant owes \$5,400.00 for rent for February, March and April 2012. I find it appropriate to award the landlord \$900.00 for May as he will suffer a loss of income due to the tenant moving out with informing the landlord, thereby giving him insufficient time to find a tenant for May. I further find that the landlord is entitled to the cost of utilities in the amount of \$1,741.34. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$100.00.

The landlord has established a total claim of \$8,141.34. I order that the landlord retain the security deposit of \$900.00 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 \$7,241.34. 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 **\$7,241.34.**

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: May 09, 2012.

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Residential Tenancy Branch