



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent, damage or loss under the Act, to retain all or part of the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on April 21, 2012, copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant by registered mail, to the rental unit address. A Canada Post tracking number and receipt was provided as evidence of service.

The landlord last saw the tenant at the unit on April 28, 2012. An Order of possession was obtained on April 18, effective April 30, 2012. The landlord obtained possession of the unit on May 5, 2012.

I find that the tenant was served with Notice of the hearing on the 5th day after the registered mail was sent.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

Preliminary Matters

A copy of the signed tenancy agreement was requested; the landlord submitted a copy for my consideration.

Issue(s) to be Decided

Is the landlord entitled to compensation in the sum of \$964.50 for unpaid April, 2012, rent?

Is the landlord entitled to compensation for unpaid electrical utilities in the sum of 409.51?

May the landlord retain the deposit?

Is the landlord entitled to the filing fee costs?

Background and Evidence

The tenancy commenced on September 1, 201; rent was \$964.50 at the end of the tenancy. A deposit in the sum of \$450.00 was paid. Electrical utility costs were not included with the rent; the bill was placed in the tenant's name.

The tenant failed to pay April rent owed, in the sum of \$964.50.

The landlord supplied a copy of a City of new Westminster electrical utility bill, issued in the tenants name on May 8, 2012, that showed the tenant paid \$100.00 and \$115.00 in April; leaving a balance owed in the sum of \$299.50. The landlord paid the outstanding amount on May 23, 2012; a receipt for the payment was supplied as evidence. If the landlord does not pay arrears she will be assigned the cost as part of her property tax.

Analysis

In the absence of evidence to the contrary, I find that the tenant has not paid April, 2012, rent in the amount of \$964.50 and that the landlord is entitled to compensation in that amount.

I find, from the evidence before me, that the tenant failed to pay the balance of the electrical utility costs and that the landlord is entitled to the amount owed to the City of New Westminster; \$299.50. The bill was in the tenant's name and the tenancy agreement did not indicate that electrical service was included in the rent.

I find that the landlord's application has merit, and I find that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

I find that the landlord is entitled to retain the tenant's security deposit in the amount of \$450.00, in partial satisfaction of the monetary claim.

Conclusion

I find that the landlord has established a monetary claim, in the amount of \$1,314.00, which is comprised of unpaid April, 2012, rent, utility costs and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will be retaining the tenant's security deposit in the amount of \$450.00, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance of \$864.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

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: June 15, 2012.

Residential Tenancy Branch