

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and utilities, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was personally served with the notice of hearing and evidence package on May 17, 2012 at the rental unit with his son, P. G. as a witness. The Landlord states that the Tenant vacated the rental unit on May 27, 2012 without providing a forwarding address in writing and no longer requires an order of possession. Based upon the undisputed testimony of the Landlord I accept that the Tenant was served in person on May 17, 2012 with the notice of hearing and evidence package as deemed under the Act.

As the Tenant has vacated the rental unit I find that no further action for an order of possession is required.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

### Background and Evidence

This Tenancy began on December 11, 2011 on a 6 month fixed term tenancy ending on May 11, 2012 and then thereafter on a month to month basis as shown in submitted copy of the signed tenancy agreement. The monthly rent is \$1,100.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$300.00 was paid.

The Landlord states that the Tenant was served a 10 day notice to end tenancy for unpaid rent dated April 16, 2012 by posting it on the rental unit door on the same date. The notice shows that rent of \$1,100.00 was due on April 1, 2012 was unpaid as of the date of the notice and \$47.00 for utilities that was not paid after written demand was given to do so for March utilities. The notice also displays an effective date of April 27,

2012 to end the tenancy. The Landlord states that the Tenant made a partial rent payment of \$500.00 on April 27, 2012. The Landlord states that no other rent payments have been made up until the date of this hearing.

The Landlord seeks a monetary order for unpaid rent of \$1,700.00 consisting of \$600.00 for April 2012 and \$1,100.00 for May 2012. The Landlord also seeks recovery of \$186.00 for utilities consisting of \$47.00 for March utilities listed on the 10 day notice dated April 16, 2012, \$46.00 for April utilities and \$93.00 for outstanding electrical bills.

### Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was served with a 10 day notice to end tenancy for unpaid rent. The Tenant did not pay the outstanding amount within 5 days of receiving the notice nor did he file for dispute resolution to dispute the notice. As the Tenant has vacated the rental unit on May 27, 2012, no further action is required for possession.

As for the monetary order, I find that the Landlord has established a claim for \$1,700.00 in unpaid rent and \$186.00 for utilities based upon the undisputed testimony of the Landlord. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$300.00 security deposit in partial satisfaction of this claim and I grant an order under section 67 for the balance due of \$1,636.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The Landlord is granted a monetary order for \$1,636.00.  
The Landlord may retain the security deposit.

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 05, 2012.

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Residential Tenancy Branch