



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNDC, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for a monetary Order for unpaid rent, a monetary Order for unpaid utilities, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

The female Landlord stated that 3 pages of evidence, a copy of the Application for Dispute Resolution and a copy of Notice of Hearing were sent to both Tenants, via registered mail, although she cannot recall the date of service. The Tenant stated that the female Tenant, who is his wife, did receive those documents and that he received his documents from the female Tenant. On the basis of this testimony, I accept that the female Tenant was served with notice of this hearing.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent and unpaid utilities and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 67 and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlord and the Tenant agree that the tenancy began on December 01, 2008; that the Tenant was required to pay monthly rent of \$1,700.00 by the first day of each month; that the Tenant did not pay rent when it was due on December 01, 2011 or January 01, 2012; that the Tenant vacated the rental unit sometime in the middle of January of 2012; that the Tenant was required to pay 2/3 of the utility charges at this complex; and that the Tenant currently owes \$339.47 for utilities.

Analysis

Based on the undisputed evidence presented at the hearing, I find that the Tenant entered into a tenancy agreement with the Landlord that required the Tenant to pay monthly rent of \$1,700.00 by the first day of each month plus 2/3 of the utility charges; that the Tenant has not paid rent of \$3,400.00 that was due for December of 2011 and January of 2012; and that the Tenant has not paid their portion of the utility charges, which were \$339.47.

As there is no dispute that the Tenant was required to pay the aforementioned amounts, I find that the Tenant owes these amounts to the Landlord.

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

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$3,789.47, which is comprised of \$3,400.00 in unpaid rent, \$339.47 in unpaid utilities, and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution. Based on these determinations I grant the Landlord a monetary Order for the amount of \$3,789.47. 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 14, 2012.

Residential Tenancy Branch