



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 for Dispute Resolution filed December 28, 2012, by the Landlord to obtain an Order of Possession for unpaid rent and utilities and a Monetary Order for: unpaid rent and utilities; to keep the security and pet deposit in partial satisfaction of their claim; and to recover the cost of the filing fee from the Tenants for this application.

The Landlord had also filed for substitute service on December 28, 2012 which was dismissed. Subsequently the Landlord served each Tenant with the hearing documents and his evidence by registered mail on December 28, 2012. Canada Post tracking receipts were provided in the Landlords' evidence. Based on the submissions of the Landlord I find that each Tenant was sufficiently served notice of this proceeding so I continued in the Tenants absence.

Issue(s) to be Decided

1. Has the Landlord regained possession of the rental unit?
2. Should the Landlord be granted a Monetary Order?

Background and Evidence

The Landlord submitted documentary evidence which included, among other things, copies of: the tenancy agreement; a 10 Day Notice to end tenancy dated December 14, 2012; and receipts issued to the Tenants for rent and deposits.

The parties entered into a month to month tenancy that began on May 15, 2012. Rent is payable on the first of each month in the amount of \$1,100.00 and on May 11, 2012 the Tenants paid \$550.00 as the security deposit and \$550.00 as the pet deposit.

The Landlord affirmed that when the Tenants failed to pay \$550.00 owed for November 2012 rent; \$1,100.00 owed for December 1, 2012 rent; and \$126.00 owed for utilities, he posted a 10 Day Notice to end tenancy to their door on December 14, 2012.

The Landlord stated that he attended the rental unit on December 31, 2012 and found the unit unlocked, vacant, and the keys left inside. He has regained possession of the unit advised that he was withdrawing his request for an Order of Possession. The Tenants did not provide him with a forwarding address.

Analysis

The Landlord has withdrawn their request for an Order of Possession.

In the absence of any evidence from the Tenant who did not appear despite being properly served with notice of this proceeding, I accept the version of events as discussed by the Landlord and corroborated by their evidence.

I accept that the Tenants have failed to pay the outstanding rent for November of \$550.00, the December 2012 rent of \$1,100.00, and the outstanding utilities of \$126.00 in breach of section 26 of the Act. Accordingly, I award the Landlord **\$1,776.00**.

The Landlord has been successful with their application; therefore I award recovery of the **\$50.00** filing fee.

Conclusion

The Landlords have been awarded a Monetary Order in the amount of **\$1,826.00** (\$1,776.00 + \$50.00). This Order is legally binding and must be served upon the Tenants. In the event that the Tenants do not comply with this Order it may be 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: January 09, 2013.

Residential Tenancy Branch

