



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid utilities and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim.

The landlord testified that she served the tenant with the notice of hearing on October 16, 2012, by registered mail to the forwarding address provided by the tenant. The landlord filed a copy of the 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.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid utilities and the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on November 01, 2011 and ended on September 30, 2012. The monthly rent is \$950.00 payable on the first of each month and does not include utilities. The landlord filed a copy of the tenancy agreement which indicates that utilities were not included in the rent. Prior to moving in the tenant paid a security deposit of \$475.00.

The landlord testified that the tenant failed to pay utilities and at the end of the tenancy owed \$878.50. The landlord filed copies of invoices to support her testimony. The landlord also stated that the tenant paid rent in the amount of \$850 for the last month of tenancy and owed \$100.00 in addition to the unpaid utilities.

Analysis

Based on the evidence filed by the landlord, her undisputed testimony and in the absence of evidence to the contrary, I find that the tenant owes \$878.50 for utilities and \$100.00 for unpaid rent. Since the landlord has proven her case, she is entitled to the recovery of the filing fee of \$50.00.

Overall the landlord has established a claim of \$1,028.50. I order that the landlord retain the security deposit of \$475.00 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 \$553.50. 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 of **\$553.50**.

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 08, 2013.

Residential Tenancy Branch

