



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord provided signed and witnessed proof of service of the Notice to end Tenancy dated May 5, 2013 and gave sworn testimony that the Application for Dispute Resolution was served personally on May 22, 2013. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated May 5, 2013 for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenant commenced living in the premises in October 2012, a security deposit of \$300 was paid and rent is currently \$1100 a month plus utilities. The landlord said that they found the tenant has vacated when they inspected on June 18, 2013.

The landlord brought this application to recover unpaid rent for May 2013 and costs of utilities which the tenant failed to pay. According to the utility bills provided, the tenants owed \$422.96 in electric bills from December to April 17, 2013 and \$474.23 in gas bills to May 2013. The tenant did not submit any dispute to the amount owing.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

I find that the landlord no longer requires an Order of Possession as the tenants have vacated as of June 18, 2013.

Monetary Order

I find that there are rental arrears in the amount of \$1100 for May 2013 and utility arrears of \$897.19 to the dates as set out. I give the landlord leave to reapply for further outstanding amounts.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

I give the landlord leave to reapply within the legislated time limits for a monetary order for any other outstanding amounts owed by the tenant.

Calculation of Monetary Award:

Rent arrears for May 2013	1100.00
Utility arrears to April 17 for electric & to May for gas	897.19
Filing fee	50.00
Less security deposit (no interest 2012-13)	-300.00
Total Monetary Order to landlord	1747.19

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 18, 2013

Residential Tenancy Branch

