



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNDC, FF

### Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent and utilities, and a request for a Monetary Order for outstanding rent of \$950.00 and outstanding utilities of \$651.67. The applicants are also requesting recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 21, 2013; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

At the beginning of the hearing the applicant stated that the tenant has vacated the rental unit and they now have possession of the unit and therefore an Order of Possession is no longer required.

Therefore the issue is whether or not the landlords are entitled to a Monetary Order for \$950.00 for outstanding rent, and \$651.67 for outstanding utilities, for a total of \$1601.67.

Background and Evidence

The applicant stated that:

- This tenancy began on December 1, 2011 with the monthly rent of \$475.00.
- The tenant failed to pay the May 2013, and June 2013 rent for a total of \$950.00
- The tenant also failed to pay his share of the utilities totaling \$651.67.
- The tenant was served with a 10 day Notice to End Tenancy on June 3, 2013, and although the tenant has subsequently vacated the rental unit, none of the outstanding rent or utilities has been paid.
- They are therefore requesting a Monetary Order as follows:

May 2013 rent outstanding	\$475.00
June 2013 rent outstanding	\$475.00
Utility bills outstanding	\$651.67
Filing fee	\$50.00
Total	\$1651.67

Analysis

As stated above the landlord no longer requires an Order of Possession.

It is my finding that the landlord has shown that there is rent outstanding for both the months of May 2013, and June 2013 for a total of \$950.00 and I therefore allow that portion of the claim.

The landlord has failed to provide any invoices in support of the claim for outstanding utilities however; and therefore I am not willing to issue any order for outstanding utilities at this time.

I will however allow the request for recovery of the filing fee.

### Conclusion

I have issued a Monetary Order for the respondent to pay \$1000.00 to the applicant's.

The claim for outstanding utilities is dismissed with leave to reapply.

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: July 22, 2013

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Residential Tenancy Branch

