



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

Introduction

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

The notice of hearing was served on the tenant on July 04, 2013 by registered mail. The landlord provided a tracking number. 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.

At the outset of the hearing, the landlord stated that the tenant had moved out on July 15, 2013. Accordingly, the landlord's application for an order of possession is moot.

Issues to be decided

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

Background and Evidence

The tenancy started on June 01, 2013. The monthly rent is \$1,400.00 due on the first of each month plus \$175.00 for utilities. Prior to moving in the tenant paid a security deposit of \$700.00. The landlord stated that the tenant paid rent for the first half of June prior to moving in and was supposed to pay the balance on June 15, 2013 but failed to do so.

On June 19, 2013; the landlord served the tenant with a ten day notice to end tenancy. On July 15, 2013, the landlord visited the rental unit and found the door unlocked. The key was left inside the rental unit and the tenant had moved out, leaving behind a lot of unwanted items. The tenant also did not clean the rental unit.

The landlord stated that he was in the process of cleaning and repairing the unit to prepare it for a new tenant.

The landlord is applying for unpaid rent for June (\$700.00), July \$(1,400.00), August (\$1,400.00) and \$525.00 for utilities.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. I find that the landlord is entitled to rent for June and July. Since the landlord may find a tenant for the latter half of August, I will award him loss of income for the first half of August in the amount of \$700.00. I further find that the landlord is entitled to utilities for June and July in the amount of \$350.00. Since the landlord has proven his case he is entitled to the recovery of the filing fee.

Overall the landlord has established a claim of \$3,200.00 I order that the landlord retain the security of \$700.00 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 \$2,500.00. 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 in the amount of **\$2,500.00**.

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: August 02, 2013

Residential Tenancy Branch

