



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent or utilities / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord testified that he served the application for dispute resolution and notice of hearing in-person on July 10, 2013. Despite this the tenants did not appear.

Further, the landlord testified that the tenants vacated the unit on or about July 25, 2013, and failed to provide him with a forwarding address. In the result, the landlord withdrew the application for an order of possession.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The unit is comprised of the upper portion of a house; other renters reside in the lower portion. Pursuant to a written tenancy agreement, the month-to-month tenancy began on April 15, 2013. Monthly rent of \$1,300.00 is due and payable in advance on the first day of each month, and a security deposit of \$650.00 was collected. While there is an absence of absolute clarity in the tenancy agreement itself, the landlord testified that utilities are shared evenly between the upper portion and lower portion tenants.

The landlord testified that he received only one payment toward rent, which was in the amount of \$500.00, and was made sometime in May 2013. Accordingly, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated July 1, 2013. The notice was served in-person on that same date. A copy of the notice was

submitted in evidence. In addition to outstanding rent, the 10 day notice documents that \$300.00 remains unpaid in utilities. There is no documentary evidence of either an invoice or description of the specific utilities which were unpaid. Subsequently, the tenants made no further payment toward rent or utilities, they did not file an application to dispute the notice, and they vacated the unit on or about July 25, 2013 without providing a forwarding address.

Analysis

As for the monetary order, I find that the landlord has established entitlement to compensation in the amount of **\$4,100.00**, as follows:

\$650.00: *unpaid rent for April 15 to 30*
\$800.00: *unpaid rent for May (\$1,300.00 - \$500.00)*
\$1,300.00: *unpaid rent for June*
\$1,300.00: *unpaid rent for July*
\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$650.00**, and I grant the landlord a **monetary order** for the balance owed of **\$3,450.00** (\$4,100.00 - \$650.00).

In the absence of sufficient evidence, the landlord's application for compensation reflecting unpaid utilities is hereby dismissed.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$3,450.00**. This order may be served on the tenants, filed in the 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: August 12, 2013

Residential Tenancy Branch

