



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for \$2054.85 in outstanding rent and utilities.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on June 26, 2013; however the respondent(s) 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(s) have been served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Does the landlord have the right to an Order of Possession?

Is the landlord entitled to a Monetary Order of \$2054.85?

The applicant had also requested that I deal with a further claim of \$1565.69, however the applicant has not filed an amendment to the application and therefore this further claim will have to be dealt with in another application for dispute resolution.

Background and Evidence

The applicant testified that:

- The tenants vacated the rental unit on June 23, 2013, and he now has possession of the unit, and therefore an Order of Possession is no longer required.
- The tenants however failed to pay the June 2013 rent of \$900.00, and the rental unit was left in such poor condition that he also lost the full rental revenue for July 2013.
- The tenants also failed to pay their utility Bill and at the end of the tenancy there was a total of \$254.85 in outstanding utilities payable.
- He is therefore requesting a Monetary Order for \$2054.85.

Analysis

It's my finding that the applicant has established the full \$2054.85 amount claimed.

The landlord has shown that the tenants failed to pay the June 2013 rent of \$900.00, and that the tenants left the rental unit in an extremely cluttered and dirty condition, and as a result the landlord has also lost the full July 2013 rent of \$900.00.

The landlord has also shown that the tenants have failed to pay utilities totaling \$254.85.

Conclusion

I have issued an Order for the respondents to pay \$2054.85 to the applicant.

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 24, 2013

Residential Tenancy Branch

