



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MT, CNC, O

Introduction

There are applications filed by both parties. The Landlord seeks an order of possession and a monetary order for unpaid rent and utilities. The Tenant has applied for an order for more time to make an application to cancel a notice to end tenancy and if granted an order to cancel a notice to end tenancy issued for cause.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package submitted by the other party, I am satisfied that both parties have been properly served. Both parties have also acknowledged receiving the submitted documentary evidence of the other party. I am satisfied that both parties have been properly served with the documentary evidence of the other party.

At the beginning of the hearing, the Tenant stated that she had vacated the rental unit on the night of July 31, 2013. The Landlord stated that she was unable to confirm this as she was at the rental unit the morning of July 31, 2013. The Tenant stated that as she has vacated the rental unit that she is withdrawing her application in its entirety. The Landlord had no objection, but stated that as she is unable to confirm that the Tenant had vacated, would still request an order of possession. The Tenant stated that she did not object to the Landlord obtaining an order of possession. As such, no further action is required for the Tenant's Application and the Landlord is granted an order of possession by mutual agreement.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background and Evidence

The Landlord seeks a monetary order of \$2,668.73. This consists of unpaid rent of \$1,175.00 for July 2013, utilities of \$95.00 for July 2013, Hydro utility arrears of \$115.37, Fortis utility arrears of \$13.36, loss of rental income for August 2013 of \$1,175.00 and utilities of \$95.00 for August 2013.

Both parties agreed that the Tenant failed to pay rent of \$1,175.00 for July rent, \$95.00 for July utilities, Hydro utility arrears of \$115.37 and Fortis utility arrears of \$13.36.

The Tenant disputes the Landlord's claims for loss of income for August of \$1,175.00 and \$95.00 for August utilities.

Analysis

I accept the undisputed testimony of both parties and find that the Landlord has established a monetary claim of \$1,398.73.

I find that the Landlord's claims for loss of rental income and utilities for August 2013 to be premature as of the date of this hearing. This portion of the Landlord's claim is dismissed with leave to reapply.

The Landlord is granted a monetary order for \$1,398.73. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$1,398.73.

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 01, 2013

Residential Tenancy Branch

