



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to an application by the landlord for an order of possession / a monetary order as compensation for unpaid rent or utilities / retention of the security deposit / and recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord testified that she served the tenant in-person with her application for dispute resolution and notice of hearing (the “hearing package”) at his current address, within 3 days after filing her application at the Residential Tenancy Branch. Despite this, the tenant did not appear.

As the tenant has now vacated the unit, I consider the landlord’s application for an order of possession to be withdrawn.

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the 6 month fixed term of tenancy was from August 16, 2012 to February 16, 2013. Monthly rent of \$700.00 was due and payable in advance on the first day of each month, and a security deposit of \$350.00 was collected. The landlord testified that the tenancy agreement provides that the tenant is responsible for paying hydro.

Arising from rent (\$700.00) and utilities which were unpaid when due on January 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated January 10, 2013. A copy of the notice was submitted in evidence. The pro-rated amount of unpaid utilities (hydro) shown on the notice is \$1,300.00 for the period from August 1, 2012 to February 1, 2013. The notice was served in-person on the

tenant on January 10, 2013. Subsequently, the tenant made no further payment toward either rent or utilities and he vacated the unit on or about January 20, 2013. The tenant did not provide the landlord with a forwarding address, rather, she determined his whereabouts through other means.

After cleaning of the unit was completed, the landlord succeeded in finding new renters effective March 1, 2013.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent or utilities dated January 10, 2013. The tenant did not pay the outstanding rent or utilities before vacating the unit on or about January 20, 2013.

As for the monetary order, I find that the landlord has established entitlement to **\$1,100.00**, which is calculated as follows:

\$700.00: *unpaid rent for January 2013*

\$350.00: *unpaid rent / loss of rental income for the period from February 1 to 16, 2013*

\$50.00: *filing fee*

This finding reflects my related finding which is that the landlord undertook to mitigate the loss of rental income up to the end of the fixed term of tenancy (February 16, 2013), by cleaning the unit and securing new renters in a timely fashion after the tenant vacated. I order that the landlord retain the security deposit of **\$350.00**, and I grant the landlord a **monetary order** for the balance owed of **\$750.00** (\$1,100.00 - \$350.00).

In the absence of any hydro bills / statements in evidence, the landlord's application to recover the cost of unpaid hydro is hereby dismissed with leave to reapply.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$750.00**. Should it be necessary, this order may be served on the tenant, 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: September 05, 2013

Residential Tenancy Branch

