



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for unpaid rent and utilities pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit pursuant to section 38; and
- authorization to recover their filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 9:45 a.m. in order to enable him to connect with this teleconference hearing scheduled for 9:30 a.m. The landlords attended the hearing and were given a full opportunity to be heard, to present sworn testimony, and to make submissions. The female landlord testified that she handed a copy of the landlords' dispute resolution hearing package to the tenant at 1:15 p.m. on August 30, 2013. I am satisfied that the landlords served their dispute resolution hearing package and their written and photographic evidence to the tenant in accordance with the *Act*.

Issues(s) to be Decided

Are the landlords entitled to a monetary award for unpaid rent and utilities? Are the landlords entitled to retain all or a portion of the tenant's security deposit? Are the landlords entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This one-year fixed term tenancy started on October 1, 2012. Monthly rent was set at \$995.00, payable in advance on the first of each month, plus 40% of the utilities for this tenancy. The landlords continue to hold the tenant's \$500.00 security deposit paid on September 30, 2012.

The male landlord (the landlord) testified that the tenant abandoned the rental unit after issuing NSF cheques for his July 2013 rent and utilities. The landlords provided copies of these NSF cheques. The male landlord believes that the tenant vacated the rental unit sometime between July 3 and 13, 2013. After failing to connect with the tenant after the landlords returned from vacation, the landlords took occupancy of the abandoned rental unit on July 20 or 21, 2013.

The landlords' application for a monetary award of \$1,233.28 included the following items, submitted as an attachment to their application for dispute resolution:

Item	Amount
Unpaid July 2013 Rent	\$995.00
Unpaid Portion of Utilities May 2013	93.10
Carpet Cleaning	180.00
General Cleaning	105.00
Repair of Door	63.00
Cleaning of Blinds	78.75
Replacement of Stopper in Sink	11.15
Unpaid Portion of Utilities June 2013	64.44
Unpaid Portion of Utilities July 2013	92.84
Recovery of Filing Fee for this Application	50.00
Less Security Deposit	-500.00
Total Monetary Order Requested	\$1,233.28

The landlords entered into written evidence copies of receipts of all of the above items claimed in their application and answered questions to clarify any of these claims at the hearing.

Analysis

I have considered the landlords' undisputed sworn testimony, photographic and written evidence, which included a joint move-in condition inspection report signed by the tenant on October 1, 2012, when he moved into the rental unit. As the tenant abandoned the rental unit, the landlords could not complete a joint move-out condition inspection with the tenant. The landlords have supplied photographs to demonstrate the condition of the rental unit when they took possession of the rental unit in July 2013.

I find that the landlords are entitled to a monetary award for all of the items claimed in their application. As such, I issue a monetary Order in the landlords' favour in the total amount of \$1,233.28, which also allows the landlords to retain the tenant's security/damage deposit plus applicable interest. No interest is payable over this

period. This Order also allows the landlords to recover their filing fee for their application from the tenant.

Conclusion

I issue a monetary Order in the landlords' favour under the following terms, which allows the landlords to recover their unpaid rent, utilities and filing fee and to retain the tenant's security/damage deposit:

Item	Amount
Unpaid July 2013 Rent	\$995.00
Unpaid Portion of Utilities May 2013	93.10
Carpet Cleaning	180.00
General Cleaning	105.00
Repair of Door	63.00
Cleaning of Blinds	78.75
Replacement of Stopper in Sink	11.15
Unpaid Portion of Utilities June 2013	64.44
Unpaid Portion of Utilities July 2013	92.84
Recovery of Filing Fee for this Application	50.00
Less Security Deposit	-500.00
Total Monetary Order Requested	\$1,233.28

The landlords are provided with these Orders in the above terms and the tenant must be served with this Order as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: December 10, 2013

Residential Tenancy Branch

