



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for outstanding rent and utilities, and a request to retain the full security/pet deposits towards the claim.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail and/or personal service on March 19, 2014, 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 properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order and if so in what amount?

Background and Evidence

The landlord testified that:

- This tenancy began on February 1, 2013, and on February 15, 2013 the tenants paid a combined security/pet deposit of \$650.00.
- The male tenant in this tenancy moved out of the rental unit in April 2013 and a new male tenant moved in and started paying rent.
- As of February 2014 the tenants started paying only one half of the rent each month and therefore to date there is a total of \$1300.00 in rent outstanding.
- The tenants have also failed to pay the utilities which were not included in the rental agreement and they have provided an invoice for utilities in the amount of \$425.89.
- There are other utilities outstanding as well, however to date they have not received utility bills and therefore cannot verify the amount.

They are requesting that an Order of Possession be issued for as soon as possible, and are requesting a Monetary Order for the outstanding rent and utilities.

Analysis

It is my finding that the landlords have shown that there is a total of \$1300.00 in rent outstanding to the end of May 2014, and I therefore allow that portion of the claim.

It is also my finding that utilities were not included in the tenancy agreement and I therefore also allow the claim for outstanding utilities totaling \$425.89.

I will not order any further utilities be paid at this time however as the applicants do not yet have proof of any further outstanding utilities.

It is also my finding that the landlords have served the tenants with a valid 10 day Notice To End Tenancy and the tenants have failed to comply with that notice, and I therefore allow the request for an Order of Possession.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants.

I have allowed a total monetary claim of \$1725.89, and I therefore order that the landlords may retain the full security/pet deposit of \$650.00 and I've issued a Monetary Order in the amount of \$1075.89.

The claim for any further outstanding utilities is dismissed with leave to reapply once the applicants have received the invoices.

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: May 05, 2014

Residential Tenancy Branch

