



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and utilities. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

The notice of hearing was served on the tenant on June 19, 2014 by registered mail to the rental unit. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord stated that on or about the middle of July, the tenant moved out without informing the landlord and without returning the keys. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, utilities and to retain the security deposit?

Background and Evidence

The tenancy started on April 01, 2008. The monthly rent was \$950.00 due in advance on the first of each month and did not include utilities. Prior to moving in, the tenant paid a security deposit of \$400.00.

The landlord testified that the tenant failed to pay rent and utilities for the months of April, May and June, 2014. On June 02, 2014, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent in the amount of \$2,850.00. On June 05, 2014 the landlord served the tenant with a notice of outstanding utilities in the amount of \$399.99. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

As of the date of this hearing the tenant owed rent for the months of April, May, June and July in the amount of \$3,800.00 plus utilities in the amount of \$399.99 for a total amount of \$4,199.99.

Analysis

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of her claim. I find that the tenant owes rent and utilities in the amount of \$4,199.99.

I order that the landlord retain the security deposit of \$400.00 plus accrued interest of \$0.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$3,799.99. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$3,799.99**.

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 14, 2014

Residential Tenancy Branch

