



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on November 6, 2014. The landlord made an amendment to their application and provided that amendment to the tenants via registered mail on November 10, 2014. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlords gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The tenancy began on or about May 1, 2014. Rent in the amount of \$1850.00 is payable in advance on the first day of each month. The tenants are also responsible for all the utilities costs at this location. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$925.00 and a \$925.00 pet deposit. The tenant failed to pay rent in the month(s) of October and November. The landlord advised that the tenants vacated the unit on November 30, 2014 without notice and

without paying the rent or utilities. The landlord advised that the amount of unpaid utilities as of today's hearing is \$321.13.

Analysis

The landlord provided extensive documentation to support their application. As the tenant has already vacated the unit an order of possession is no longer required and I therefore dismiss that portion of the landlords' application.

As for the monetary order, I find that the landlord has established a claim for \$3700.00 in unpaid rent and \$321.13 for unpaid utilities for a total claim of \$4021.13. The landlord has not filed for the recovery of the \$50.00 filing fee so I need not address that.

Although the landlord's application does not seek to retain the deposit, using the offsetting provisions of section 72 of the *Act*, I allow the landlord to retain the tenant's security deposit and pet deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2171.13. 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 a monetary order for \$2171.13. The landlord may retain the security and pet deposit.

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 01, 2014

Residential Tenancy Branch

