



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### 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 \$9920.00, and a request for recovery of the \$100.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on December 3, 2014; however the respondent 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 has been properly served with notice of the hearing. I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Has the applicant established the right to an Order of Possession?

Has the applicant established a monetary claim against the respondent, and if so in what amount?

### Background and Evidence

The applicant testified that:

- This tenancy began on July 1, 2014 with the monthly rent of \$3090.00 and a security deposit of \$1495.00 was collected on May 28, 2014.

- The tenant was also required to pay all utilities for the rental property.
- The tenant has failed to pay any rent for the months of November 2014, December 2014, and January 2015.
- The tenant has also failed to pay the outstanding utilities.
- She has not supplied utility invoices, however she estimates the total utilities to be approximately \$1200.00 at this time.
- A 10 day Notice to End Tenancy was posted on the tenant's door on November 10, 2014, however the tenant has failed to comply with that notice.
- She is therefore requesting an Order of Possession for as soon as possible and a monetary order for the outstanding rent and utilities.
- She also requests an order allowing her to retain the full security deposit towards the claim.

### Analysis

It is my finding that the landlord has shown that the rent for this rental unit is \$3090.00 per month and that the tenant has failed to pay the rent for the months of November 2014, December 2014, and January 2015, and I therefore allow the landlords claim for that outstanding rent.

It is also my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy and the tenant has failed to comply with that notice and I therefore also allow the request for an Order of Possession.

I further allow the request for recovery of the \$100.00 filing fee.

I will not allow the landlords claim for outstanding utilities at this time however because the landlord has failed to provide any evidence to support of the claim for the outstanding utilities. The claim for outstanding utilities will therefore be dismissed with leave to reapply.

Therefore the total amount of the landlord's claim that I have allowed is as follows:

November 2014 rent outstanding	\$3090.00
December 2014 rent outstanding	\$3090.00
January 2015 rent outstanding	\$3090.00
Filing fee	\$100.00
Total	\$9370.00

Conclusion

I have allowed \$9370.00 landlords claim and I therefore order that the landlord may retain the full security deposit of \$1495.00, and I have issued a monetary order in the amount of \$7875.00.

The landlords claim for outstanding utilities is dismissed with leave to reapply.

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: January 06, 2015

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Residential Tenancy Branch

