



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary Order for compensation – Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing in person at the rental unit on February 16, 2015 in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on February 1, 2014 for a fixed term ending January 31, 2015. At the end of the term the Tenant is required to move out of the unit. Rent of \$800.00 is payable in advance on the first day of each month. At the outset of the tenancy, the

Landlord collected \$400.00 as a security deposit and \$200.00 as a pet deposit from the Tenant.

The Tenant has not moved out of the unit and has not paid any rent for December 2014 and for January, February and March 2015. The Landlord claims an order of possession and unpaid rent.

The Tenant has not paid utilities and the Landlord claims \$1,283.56. The Landlord provided bills for these amounts. The Landlord claims a further estimated amount for utilities. The Landlord served the Tenant with documents for this dispute by a process server and claims the cost.

Analysis

Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where the tenancy agreement is a fixed term tenancy agreement that provides that the tenant will vacate the rental unit at the end of the fixed term. Based on the undisputed evidence I find that the Tenant has not moved out of the unit as required under the tenancy agreement and that the Landlord has therefore substantiated an entitlement to an order of possession.

Further based on undisputed evidence I find that the Tenant has not paid the rent as required under the tenancy agreement and that the Landlord has substantiated unpaid rent of **\$2,800.00** to and including March 15, 2015. Based on the undisputed evidence that the Tenant has failed to pay the utilities as required and given the invoices for the costs of the utilities, I find that the Landlord has substantiated an entitlement to **\$1,283.56** for unpaid utilities. I dismiss the Landlord's claim for an estimated amount of utilities with leave to reapply. As the Act only provides for recovery of the filing fee and no other costs associated with the dispute process, I dismiss the claim for costs of a process server. The Landlord is entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$4,183.56**. Deducting the combined security and pet deposit of **\$600.00** plus zero interest leaves **\$3,583.56** owed by the Tenant to the Landlord.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I order that the Landlord retain the **deposit** and interest of \$600.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$3,583.56**. If necessary, this order may be filed in the Small Claims Court and enforced as an order 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: March 05, 2015

Residential Tenancy Branch

