



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord gave sworn testimony that he served the Notice to end Tenancy dated March 2, 2015 taped on the door and the Application for Dispute Resolution personally. He said the tenant said he was leaving anyway and not to harass him when he served the Application. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated March 2, 2015 for unpaid rent. The landlord said he no longer requires an Order of Possession as the tenant vacated on April 27, 2015 with no notice. He requests a Monetary Order for rental and utility arrears and filing fee?

Background and Evidence:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced February 1, 2015, a security deposit of \$600 was paid and rent is \$1200 a month. The landlord claims rent arrears for March, April and May 2015 for a total of \$3600 plus 3 months of utilities (\$300 a month for gas, hydro and water). He said the meters are in his name as he had trouble with a previous tenant not paying the utilities. He bases his

calculation of utilities on last year's bill as he only receives the invoices every three months. The tenant submitted no documents to dispute the amount owing.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Monetary Order

I find that there are rental arrears and loss in the amount of \$3600 representing rental arrears from March to May, 2015. I find the landlord is entitled to rent for May; although the tenant vacated on April 27, 2015, he gave no notice. Pursuant to section 45 of the Act, the tenant must give one month's notice; as he did not do so, the landlord has incurred the rental loss for May 2015. The landlord has re-rented the home for June, 2015. I find the landlord is entitled to recover costs for utilities. The tenancy agreement in evidence states the tenant is responsible for costs of hydro, gas and water. I find the landlord's evidence credible that last year the charges were \$300 a month and he only gets an accurate reading and bill every three months. I find him entitled to recover \$900 for unpaid utilities.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rental arrears and loss March to May 2015	3600.00
Unpaid Utilities	900.00
Filing fee	50.00
Less security deposit (no interest 2015)	-600.00
Total Monetary Order to Landlord	3950.00

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 14, 2015

Residential Tenancy Branch

