



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

OPR MNR MNDC FF CNR

### Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession pursuant to a notice to end tenancy for unpaid rent, and a monetary order for unpaid rent and utilities. The tenant applied to cancel the notice to end tenancy.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to monetary compensation as claimed?

### Background and Evidence

The tenant began occupying the rental unit in mid-February 2015. The landlord and the tenant agreed that the rent was to be \$900 per month. The tenant failed to pay rent for the latter half of February and all of March 2015, and on March 27, 2015 the landlord served the tenant with a notice to end tenancy for unpaid rent. The landlord has claimed \$2700 in unpaid rent and lost revenue for the latter half of February, all of March and April and the first half of May 2015.

The landlord also claimed amounts for unpaid utilities, as follows:

- \$77.17 for 60 percent of gas from February 7, 2015 to March 10, 2015;
- \$52.79 for 60 percent of electricity from January 15, 2015 to March 16, 2015; and
- estimated amounts for gas and electricity for the balance of March 2015 through to mid-April 2015.

The landlord stated that the tenant has only paid her \$20 toward outstanding rent and utilities so far.

The tenant responded that in addition to the \$20 payment, he also paid the landlord \$60 or \$80 but he could not recall when. The tenant stated that he should not have to pay for utilities for the time he was not in the unit, and the landlord cut off the power in March 2015.

### Analysis

I find that the notice to end tenancy for unpaid rent is valid, as the tenant acknowledged that he owed the rent. I grant the landlord an order of possession pursuant to the notice to end tenancy.

I find that the landlord is entitled to unpaid rent and lost revenue for mid-February through mid-May 2015, less \$20 that the landlord acknowledged receiving from the tenant, for a total of \$2680. The tenant did not provide sufficient evidence to establish that he made any further payments toward outstanding rent or utilities.

I informed the landlord in the hearing that I would dismiss with leave to reapply the portion of her application regarding estimated utilities. I find that the landlord is not entitled to \$77.17 for gas and \$52.79 for electricity, as it is clear that the billing periods for both of these bills began prior to the tenant taking occupation of the rental unit. I dismiss this portion of the landlord's claim without leave to reapply.

As the landlord's application was mostly successful, she is entitled to recovery of the \$50 filing fee for the cost of her application.

### Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the 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 grant the landlord an order under section 67 for the balance due of \$2730. 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: May 12, 2015

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Residential Tenancy Branch

