



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, ,MNDC, FF

### Introduction

The landlord applies for an order of possession pursuant to a two month Notice to End Tenancy dated December 29, 2015 and posted on the tenant's door the same day, and for a monetary award for unpaid rent and utilities.

The tenant did not attend the hearing within ten minutes after its scheduled start time.

The landlord showed that the tenant had been served with the application and notice of hearing by registered mail (tracking number shown on cover page of this decision) sent to the dispute address, where the tenant continues to reside. Canada Post records show that the mail was sent March 3, 2016 and went "unclaimed by recipient," eventually being returned to the landlord.

On this evidence I find that the tenant has been duly served in accordance with ss. 89 and 90 of the *Residential Tenancy Act* (the "RTA").

On the landlord's undisputed evidence, I find that this tenancy ended as a result of the Notice and by operation of s. 49 of the *RTA* on February 29, 2015 and that the landlord is entitled to an order of possession.

I find that the tenant owes \$900.00 unpaid rent for January 2016, \$1300.00 for unpaid February 2016 rent, \$1300.00 for occupation rent for March 2016 and \$1300.00 for rent I find the landlord will lose by not being able to re-rent the premises for the month of April 2016.

On the landlord's undisputed evidence I find that the tenant owes him \$128.15 for Hydro usage for the months of January and February 2016 (based upon the tenant's agreement to pay for one half the Hydro costs for the duplex structure) and \$117.52 for

home heating gas for February and March 2016 (pursuant to the same one half share agreement).

The landlord's loss exceeds the \$4500.00 amount claimed in his application. He consents to reduce the award to that amount. I award the landlord \$4500.00 for unpaid rent, occupation rent, loss of rental income and utility costs, all as itemized above.

I award the landlord recovery of the \$100.00 filing fee paid for this application.

I authorize the landlord to retain the \$650.00 security deposit in reduction of the amount awarded. There will be a monetary order against the tenant for the remainder of \$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: April 04, 2016

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Residential Tenancy Branch

