



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

FINAL DECISION

Dispute Codes:

OPR, MNR

Introduction

This participatory hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for unpaid rent, a monetary Order for unpaid rent. The landlord originally applied via the Direct Request Proceeding process. An interim decision was issued on February 15, 2016, adjourning the application to this participatory hearing.

The agent for the landlord provided affirmed testimony that February 19, 2016 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail to the address noted on the Application. A Canada Post tracking number and was provided as evidence of service.

These documents are deemed to have been served on the fifth day after mailing, in accordance with section 89 and 90 of the Act. The tenant did not appear at the hearing.

Preliminary Matters

The landlord said that the tenant vacated the rental unit on March 2, 2016. An order of possession is not required.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent and utilities?

Background and Evidence

The tenancy commenced on May 2, 2015, rent was \$900.00 per month; the tenant was to pay 60% of the utilities. These sums were written on the rental application signed by the tenant on May 2, 2015. A copy of the application was supplied as evidence. Another document entitled "rental agreement" set out brief details of the tenancy.

On February 3, 2016 at 2:45 p.m. the landlord served the tenant a 10 day Notice to end tenancy for unpaid rent and utilities. The Notice was attached to the door and a copy was handed to someone who was at the rental unit. The Notice indicated that rent in the sum

of \$3,250.00 and utilities of \$660.43 were owed.

The tenant paid rent to October 2015, inclusive and since that time paid only \$350.00, in January 2016. The landlord is claiming \$3,250.00 for rent owed from November 2015 to February 2016, inclusive.

The landlord said that as the bills came by mail or were received on-line, copies of the water, gas and hydro bills would be given to the tenant. The tenant paid the utility costs to June 2015.

The landlord has claimed:

- \$329.73 for gas;
- \$192.33 hydro; and
- \$138.37 for water.

Analysis

In the absence of evidence to the contrary, and in the absence of the tenant who was served with notice of this hearing, I find that the landlord is entitled to the sums claimed.

I find, pursuant to section 90 of the Act, that the tenant received the 10 day Notice to end tenancy effective February 7, 2016; three days after posting. There was no evidence before me that the tenant disputed the Notice.

The tenant has not attended the hearing to oppose the claim.

Therefore, I find, pursuant to section 67 of the Act, that the landlord is entitled to compensation in the sum of \$3,325.00 for rent owed from November 2015 to February 2016, inclusive and utility costs of \$660.43. The landlord is entitled to a total of \$3,910.43.

As the landlords' claim has merit I find, pursuant to section 72 of the Act that the landlord is entitled to recover the \$100.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$3,910.32. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to a monetary Order for unpaid rent and utilities.

The landlord is entitled to filing fee costs.

This final decision should be read in conjunction with the interim decision issued on February 15, 2016.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 05, 2016

Residential Tenancy Branch