



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

**MNDC, MNR, OPN OPR, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent, damage or loss under the Act, an order of possession based on cause and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on September 25, 2016 copies of the Application for Dispute Resolution and Notice of Hearing were handed to the female respondent. Service took place at the rental unit between 4:30 and 5:00 p.m. The male tenant was not handed the documents. The landlord gave the tenant the evidence supplied to the Residential Tenancy Branch with the exception of copies of the text messages.

I find that the documents were given to the female respondent on September 25, 2016.

As the male respondent was not served I find that the claim against that party is dismissed.

The tenant did not appear at the hearing.

### Preliminary Matters

The tenants have vacated; the landlord does not require an order of possession.

The landlord has claimed compensation in the sum of \$2,654.18. The landlord has also claimed compensation for the loss of September 2016 rent in the sum including unpaid utilities of \$851.15.

As rent is the most basic term of a tenancy agreement I find, pursuant to section 4.2 of the Rules of Procedure that the application is amended to include the claim for utilities plus unpaid rent. It could be reasonably anticipated by the tenant that the claim for rent would be made.

### Issue(s) to be Decided

Is the landlord entitled to compensation in the sum of \$2,654.18 for unpaid rent and utilities?

### Background and Evidence

The tenancy commenced on May 1, 2016. Rent was \$2,000.00 due on the first day of each month. The tenants were to pay 70% of utility costs, including internet costs. A copy of the tenancy agreement was supplied as evidence. The landlord is holding a security deposit in the sum of \$1,000.00 and would like to apply that to the sum owed by the tenants.

On September 9, 2016 the landlord issued a 10 day Notice to end tenancy for unpaid September 2016 rent and utilities in the sum of \$684.15. The tenants vacated at the end of September, 2016. The tenants did not pay the sums owed to the landlord.

The landlord has claimed:

- \$74.80 – hydro May 1 – 20, 2016;
- \$268.48 – hydro May 21 – July 21, 2016;
- \$285.08 – hydro July 22 – September 21, 2016;
- \$129.04 – cable; and
- \$93.74 – cable.

The landlord has claimed September 2016 rent in the sum of \$2,000.00.

### Analysis

In the absence of evidence to the contrary and the tenant who was served with notice of this hearing, I find that the landlord is entitled to the sums claimed for utilities (\$851.15) and \$2,000.00 for September 2016 rent.

The tenants did not attend the hearing to oppose the claim.

Pursuant to section 72 of the Act I find that the landlord is entitled to retain the tenant's security deposit in the amount of \$1,000.00, in partial satisfaction of the monetary claim.

As the application has merit I find that the landlord is entitled to recover the \$100.00 filing fee from the tenant.

Based on these determinations I grant the landlord a monetary order for the balance of \$1,951.15. 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 compensation, as claimed, for utilities and unpaid rent.

The landlord may retain the security deposit in partial satisfaction of the claim.

The landlord is entitled to filing fee costs.

This decision is final and binding 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: November 04, 2016

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Residential Tenancy Branch

