



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *OPC, MNR, MND, FF*

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent, unpaid utilities, cost of cleaning and the filing fee.

The notice of hearing was served on the tenant on October 26, 2016 by registered mail to the rental unit. The landlord filed a copy of the tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

The tenant moved out on or about November 15, 2016. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

The landlord amended her application to include the cost of repairs. She served this amended application on the tenant by registered mail on November 15, 2016, to the address of the rental unit. However the tenant had already moved out and therefore it is possible that the tenant did not receive the amended application. The tenant has not provided the landlord with a forwarding address. I dismiss the amended monetary claim with leave to reapply. Accordingly, this hearing only dealt with the original application of the landlord for a monetary order.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover unpaid rent, unpaid utilities, cost of cleaning and the filing fee?

### **Background and Evidence**

The landlord testified that the tenancy started on February 16, 2016 for a fixed term of one year. The monthly rent was \$1,650.00 due in advance on the first of each month and did not include utilities. The landlord filed a copy of the tenancy agreement.

The landlord testified that the tenant was repeatedly late paying rent and on October 04, 2016, the landlord served the tenant with a notice to end tenancy for cause. The tenant failed to pay rent for November 2016 and moved out on or about November 15, 2016. The tenant informed the landlord that he would return to clean the rental unit but as of the date of this hearing (December 14, 2016) has not done so.

The landlord filed photographs of the condition of the rental unit. The tenant left the unit littered with garbage and considerably damaged. The landlord is currently in the process of restoring the unit as it is not in a condition to be re-rented.

The landlord is claiming the following:

1.	Rent for November 2016	\$1,650.00
2.	Loss of income for December 2016	\$1,650.00
3.	Utilities	\$177.70
4.	Garbage removal	\$500.00
5.	Filing fee	\$100.00
	Total	<b>\$4,077.70</b>

### **Analysis**

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of her claim. I find that the tenant owes rent for November 2016. Based on the photographs filed into evidence, I find that the rental unit is not in a condition to be rented out for December 2016 and therefore I find that the landlord is entitled to loss of income for December.

The landlord has also filed utility bills into evidence and therefore I award the landlord her claim for unpaid utilities. The photographs filed into evidence indicate that the tenant left the unit littered with garbage including mattresses. I find that the landlord is entitled

to her claim for garbage removal. The landlord has proven her claim and therefore I award the landlord the recovery of the filing fee.

The landlord has established a total claim of \$4,077.70. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

**Conclusion**

I grant the landlord a monetary order for **\$4,077.70**

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: December 14, 2016

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Residential Tenancy Branch