



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR & FF

### Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$2221 for unpaid rent and utilities
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 2 month Notice to End Tenancy was personally served on the Tenant on September 30, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on December 9, 2016. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The tenant entered in a written tenancy agreement with the former owner in 2014. The present owner purchased the rental property. The present rent is \$1020 plus 1/3 of the utilities. The tenant paid a security deposit of \$500 at the start of the tenancy.

The landlord served a 2 month Notice to End Tenancy at the end of September that set the end of tenancy for November 30, 2016. The tenants failed to pay the rent for November in the sum of \$1020. However, the Act provides that the Tenant was entitled to apply the right to the equivalent of one month rent to that month. The Tenant failed to pay the rent for December and the sum of \$1020 remains owing. In addition the Tenant

owes her share of the Hydro bill to December 20, 2016 in the sum of \$85 and her share of the Fortis gas bill to December 20, 2016 in the sum of \$109.

The tenant vacated the rental unit on December 31, 2016.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order of Possession as the tenant has vacated the rental unit.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of December 2016 in the sum of \$1020. In addition the Tenant owes \$85 for her/his share of the hydro bill to December 20, 2016 and \$109 for her/his share of the Fortis gas bill to December 20, 2016. I did not consider the landlord's claim for damages to the rental unit as the landlord did not include that in the Application for Dispute Resolution. The landlord retains the right to file an new Application for Dispute Resolution making this claim.

**I granted the landlord a monetary order in the sum of \$1214 plus the sum of \$100 in respect of the filing fee for a total of \$1314.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: January 16, 2017

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Residential Tenancy Branch