



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, MNR, OPR

### Introduction

This is an application brought by the Landlord requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, requesting a monetary order for outstanding rent and utilities, and requesting recovery of the \$100.00 filing fee.

The applicant testified that the respondent(s) were served with notice of the hearing by personal service on March 31, 2017, however the respondent(s) did not join the conference call that was set up for the hearing.

It is my finding that the respondent(s) have been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The applicant is no longer requesting an Order of Possession because the tenants have vacated the rental unit and she has possession of the unit.

The issue I dealt with today therefore is whether or not the applicant has established monetary claim against the respondents.

### Background and Evidence

The applicant testified that this tenancy began on November 24, 2016, with a monthly rent of \$900.00, due on the first of each month.

The applicant further testified that, the tenants failed to pay the March 2017 rent, and therefore on March 5, 2017 the tenants were served with a 10 day Notice to End Tenancy, on the required form.

The applicant further testified that, the tenants failed to comply with the ten-day Notice to End Tenancy, and therefore on March 30, 2017, she applied for dispute resolution.

The applicant further testified that, the tenants subsequently vacated the rental unit on March 31, 2017, however they left the rental unit so badly damaged that extensive repairs are needed and therefore she has already lost the April 2017 rent, and the unit will not be ready for re-renting until June 1, 2017, and therefore she will also lose the full May 2017 rent.

The applicant further testified that the tenant has failed to pay utilities in the rental unit totaling \$440.60.

The applicant is therefore requesting a monetary order as follows:

March 2017 rent outstanding	\$900.00
April 2017 lost rental revenue	\$900.00
May 2017 lost rental revenue	\$900.00
Utilities outstanding	\$440.60
Filing fee	\$100.00
Total	\$3240.60

### Analysis

It is my finding that the landlord has shown that the tenants failed to pay the March 2017 rent of \$900.00 and I therefore allow that portion of the claim.

I also accept the landlord's undisputed testimony that the rental unit was left in such poor condition that she is also losing the full rental revenue for the months of April 2017 and May 2017, while repairs are being done, and I therefore also allow those portions of the claim.

It is also my finding that the landlord has shown that there is a total of \$440.60 in outstanding utilities. It is my decision that the tenants must also pay the full outstanding utilities, as they failed to vacate the rental unit until March 31, 2017 and therefore they should reasonably have anticipated that, more utilities would be outstanding.

Having allowed the landlords full claim I also allow the request for recovery of the \$100.00 filing fee.

Pursuant to section 67 and 72 of the Residential Tenancy Act I have allowed a total monetary order of \$3240.60.

### Conclusion

I have issued a monetary order for the respondents to pay \$3240.60 to the applicant.

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: May 08, 2017

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Residential Tenancy Branch