



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act"):

- an Order of Possession for unpaid rent pursuant to section 55;
- a Monetary Order for unpaid rent and utilities pursuant to section 67;
- authorization to retain the security deposit pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, which lasted approximately 10 minutes. The landlords were represented by their agent, GL (the "landlord") who attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice"), dated April 5, 2017 was served on the tenants on that date by posting on the rental unit door. In accordance with sections 88 and 90 of the *Act*, I find that the tenants were deemed served with the landlords' 10 Day Notice on April 8, 2017, three days after posting.

The landlord testified that the landlords' application for dispute resolution dated April 28, 2017 was sent to the tenants by registered mail on May 4, 2017. The landlord provided two Canada Post tracking numbers as evidence of service. I find that both of the tenants were served with the landlords' application for dispute resolution and evidence package in accordance with sections 88, 89 and 90 of the *Act* on May 9, 2017, five days after mailing.

At the outset of the hearing the landlord testified that the tenants have vacated the rental unit and withdrew the portion of the application seeking an Order of Possession.

Issue(s) to be Decided

Are the landlords entitled to monetary compensation as claimed?

Are the landlords entitled to recover the filing fee for this application from the tenants?

Background and Evidence

The landlord provided undisputed testimony regarding the following facts. This fixed term tenancy began in August, 2016. The rent is \$1,350.00 payable on the first of the month. The tenants are also responsible for paying \$120.00 for electricity and gas bills by the first of each month. A security deposit of \$675.00 was paid by the tenants at the start of the tenancy and still held by the landlords.

The landlord testified that at the time the 10 Day Notice was issued the tenants owed, \$1,350.00 for April rent and \$120.00 for the April utilities. The landlord testified that the tenants have not made payment since the 10 Day Notice was issued. The landlord said that the total amount owing for the tenancy as of May 23, 2017, the date of the hearing is \$1,470.00.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. I find that the tenant was obligated to pay the monthly rent in the amount of \$1,350.00 and utilities in the amount of \$120.00. I accept the landlord's evidence that the tenants were given written demand for their utility payments in the 10 Day Notice, pursuant to section 46(6) of the *Act*. I accept the landlord's undisputed evidence that the total amount of arrears for this tenancy is \$1,470.00. I issue a monetary award in the landlords' favour for unpaid rent and utilities of \$1,470.00 as at May 23, 2017, the date of the hearing, pursuant to section 67 of the *Act*.

As the landlords' application was successful, the landlords are also entitled to recovery of the \$100.00 filing fee for the cost of this application.

In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlords to retain the tenants' security deposit of \$675.00 in partial satisfaction of the monetary award issued in the landlords' favour.

Conclusion

The portion of the landlords' application seeking an Order of Possession is withdrawn.

I issue a monetary order in the landlords' favour in the amount of \$895.00 under the following terms, which allows the landlords to recover unpaid rent and utilities and the filing fee for their application:

Item	Amount
Total Unpaid Rent for Tenancy	\$1,350.00
Total Unpaid Utilities	\$120.00
Filing Fee	\$100.00
Less Security Deposit	-\$675.00
Total Monetary Order	\$895.00

The tenants must be served with this Order as soon as possible. Should the tenants fail to comply with this Order, this 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: May 23, 2017

Residential Tenancy Branch