



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS AGENCIES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR

Introduction

On June 14, 2017, the Landlord submitted an Application for Dispute Resolution for an order of possession and for a monetary order for unpaid rent or utilities. The matter was set for a conference call hearing.

The Landlords agent ("the Landlord") attended the teleconference hearing; however, the Tenants did not. The Landlord provided affirmed testimony that the Tenants were served the Notice of Hearing on June 30, 2017.

I find that the Tenants have been duly served with the Notice of Hearing in accordance with sections 89 and 90 of the *Residential Tenancy Act* ("the Act").

The Landlord was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Preliminary and Procedural Matters

The Landlord testified that the Tenants moved out of the rental unit on June 30, 2017. The Landlord stated that she does not require an order of possession.

The Landlord requested to include the name of the property owner to the application and any order issued.

Issue to be Decided

- Is the Landlord entitled to a monetary order to recover unpaid rent and utilities?

Background and Evidence

The Landlord submitted a tenancy agreement that indicates the tenancy began on July 1, 2016, as a fixed term tenancy. Rent in the amount of \$1,650.00 is to be paid by the first day of each month. The Tenant paid the Landlord a security deposit of \$825.00. The Tenants are responsible to pay 50% of utility costs.

The Landlord testified that the Tenant did not pay all the rent owing under the tenancy agreement rent for the months of May 2017, and June 2017.

The Landlord testified that the Tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated June 5, 2017, ("the Notice"). The Landlord testified that the Notice was posted on the Tenant's door on June 5, 2017.

The Notice states that the Tenants have failed to pay rent in the amount of \$1,850.00 which was due on June 1, 2017. The Notice also states that the Tenants have failed to pay utilities in the amount of \$2,322.16 following written demand in April 2017. The Landlord provided copies of unpaid utility bills.

The Notice informed the Tenants that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenants had five days to dispute the Notice.

There is no evidence before me that that the Tenants made an application to dispute the Notice.

The Landlord testified that they received a partial rent payment but the Tenants still owe \$1,300.00 for rent.

The Landlord is seeking an order of possession and a monetary order for unpaid rent and utilities in the amount of \$3,622.16.

Analysis

Based on the evidence before me, the testimony of the Landlord, and on a balance of probabilities, I find that the Tenant did not pay the rent due under the tenancy agreement.

I find that the Tenants owe the Landlord \$1,300.00 for unpaid rent and \$2,322.16 for utility costs.

I find that the Landlord has established a total monetary claim of \$3,622.16. I grant the Landlord a monetary order in the amount of \$3,622.16. This monetary order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The Tenants are cautioned that costs of such enforcement are recoverable from the Tenants.

Conclusion

The Tenants failed to pay the rent and utilities due under the tenancy agreement and did not file to dispute the Notice. The Tenants are presumed under the law to have accepted that the tenancy ended on the effective date of the Notice.

The Landlord is granted a monetary order for the unpaid rent and utilities in the amount of \$3,622.16.

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: September 07, 2017

Residential Tenancy Branch