



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR; MNR

Introduction

This is the Landlord's Application for Dispute Resolution seeking an Order of Possession and a Monetary Order for unpaid rent and utilities.

The Landlord and his agent gave affirmed testimony at the Hearing.

The Hearing was scheduled to be heard by teleconference on December 12, 2017, at 9:00 a.m. The Tenant did not attend the Hearing, which remained open for 18 minutes.

The Landlord's agent testified that she served the Tenant with the Notice of Hearing documents by handing the documents to the Tenant at the rental unit on September 29, 2017, at 10 a.m. Based on the affirmed testimony of the Landlord's agent, I find that the Tenant was duly served with the Notice of Hearing documents and the matter proceeded in the Tenant's absence.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession? Is the Landlord entitled to a monetary award for unpaid rent and utilities?

Background and Evidence

A copy of the tenancy agreement was provided in evidence. This tenancy began on May 1, 2014. Monthly rent is \$1,100.00, due on the first day of each month. Rent does not include utilities. The Tenant paid a security deposit in the amount of \$550.00. The Landlord testified that the Tenant and his brother fell behind in rent payments, but kept promising to catch up. When the Tenant was in arrears of rent in the amount of \$13,050.00 by September 1, 2017, the Landlord decided he could not wait for the unpaid rent any longer and issued the 10 Day Notice to End Tenancy on September 14,

2017. The Landlord testified that the utilities are in the Landlord's name because Hydro would not extend credit to the Tenant. The Landlord stated that the Tenant is in arrears in the amount of \$11,468.02 for unpaid utilities. The Landlord provided a copy of a print out from hydro in evidence.

The Landlord stated that the utility bills were so high because the Tenant had a licence to grow medical marijuana and was growing the product in a "shop" on the rental property.

The Landlord provided a Proof of Service document for the Notice to End Tenancy for Unpaid Rent, which provides that the Landlord's agent posted the Notice to the Tenant's door on September 14, 2017. The Landlord testified that no outstanding rent or utilities has been paid by the Tenant and that the Tenant remains in possession of the rental unit.

Analysis

Based on the uncontested affirmed testimony of the Landlord and his agent, I find that the Notice to End Tenancy issued September 14, 2017, is a valid notice to end the tenancy and that the tenancy ended on September 27, 2017 (10 days after the Tenant was deemed to have been served with the Notice to End Tenancy). I find that the Landlord is entitled to an Order of Possession.

I find that the Tenant is overholding and that the Landlord is entitled to his monetary award as claimed, plus an award for loss of revenue for the months of October, November and December, 2017. Further to the provisions of Section 72 of the Act, the Landlord may apply the security deposit towards his monetary award.

I hereby provided the Landlord with a Monetary Order, calculated as follows:

Unpaid rent to September 1, 2017	\$13, 050.00
Loss of revenue for October, November and December, 2017	\$3,300.00
Unpaid utilities	\$11,468.02
Less set off of security deposit	<u><\$550.00></u>
TOTAL	\$27,268.02

Conclusion

The Landlord is hereby provided with an Order of Possession effective 2 days after service of the Order upon the Tenant. This Order may be enforced in the Supreme Court of British Columbia.

The Landlord is hereby provided with a Monetary Order in the amount of \$27,268.02 for service upon the Tenant. This Order may be enforced in the Provincial Court of British Columbia (Small Claims 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: December 12, 2017

Residential Tenancy Branch