



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPU MNRL-S FFL

Introduction

This hearing dealt with an application by the landlords pursuant to the *Residential Tenancy Act* ("the Act") for: an Order of Possession for Unpaid Rent & Utilities pursuant to section 55; a monetary order for unpaid rent and utilities pursuant to section 67; and to recover the filing fee for the cost of this application pursuant to section 72. The landlord who attended this hearing ("the landlord") testified that the tenants had vacated the rental unit on February 10, 2018 and therefore he withdrew his application for an Order of Possession.

The landlord attended this hearing and was given full opportunity to be heard, to present evidence and to make submissions with respect to his application. The landlord provided evidence that a 10 Day Notice to End Tenancy for Unpaid Rent & Utilities ("10 Day Notice") was posted on the tenants' door on January 7, 2018. The landlord testified that he served both tenants with his Application for Dispute Resolution hearing package ("ADR") on January 17, 2018 by registered mail to the tenants' rental unit address. Based on the Canada Post receipt submitted as evidence of the registered mailing and the undisputed testimony of the landlord, I find that both the tenants were served with the landlords' ADR package in accordance with section 89 and 90 of the Act.

Issue(s) to be Decided

Are the landlords entitled to \$7650.00 in unpaid rent as well as the recovery of their \$100.00 filing fee for this application?

Background and Evidence

This tenancy began on July 16, 2017 and was set as a one year fixed term tenancy. The landlord provided evidence that the monthly rent of \$2550.00 was payable on the first of each month. The landlord testified that he continues to hold a \$1275.00 security

deposit paid to the landlords at the outset of the tenancy. The tenants vacated the rental unit on February 10, 2018. The landlord testified that the tenants have not, as of the date of this hearing, provided a forwarding address to the landlords. He also testified that they did not provide any notice before vacating the rental unit.

The landlords applied for a monetary order to include unpaid rent in January 2018, unpaid rent for half of February 2018, and \$550.00 in utilities. While the tenants were served with the 10 Day Notice indicating an unpaid amount of both rent (\$2550.00) and utilities (\$550.00), the landlord testified that they made no further payments to the landlords after his issuance of the 10 Day Notice.

The landlord testified that, after the tenants vacated the rental unit, he had some text message communication and telephone communication with the female tenant. However, the landlord testified that the female tenant has stopped taking his calls and answering his texts. He testified that he has not had contact with the male tenant since he vacated the rental unit. The landlord testified that there was substantial cleaning and repairs to do after the tenants vacated the rental unit.

The landlords did not submit a monetary worksheet with his application to particularize the amounts he sought however his application provided a summary of his monetary claim: the landlords sought \$7650.00 for 3 months' rent anticipating, he testified that the tenants would not pay rent for February 2018 or March 2018. At the hearing, the landlord testified that he re-rented the unit as of February 15, 2018. He provided the following breakdown updating the monetary amount sought,

Item	Amount
Unpaid Rent – January 2018	\$2550.00
Unpaid Rent – February 2018 (half month)	1275.00
Utilities outstanding (as of January 17, 2018)	550.00
Utilities additional outstanding (as of Feb 10)	400.00
Recovery of Filing Fee for this Application	100.00
Total Monetary Order Sought by Landlords	\$4875.00

The landlords also sought to recover his filing fee for this application, as indicated above.

Analysis

I find that the landlords are entitled to receive an order for unpaid rent in January 2018 (\$2550.00) and half of February 2018 (\$1275.00) totalling \$3825.00. The landlord provided undisputed evidence, supported by his documentary submissions that the tenants did not pay rent on January 1, 2018 and that they have not paid the January rental arrears as of the date of this hearing. I accept the evidence of the landlord that the tenants did not pay rent on February 1, 2018 and that they did not vacate the rental unit until February 10, 2018. The landlord was candid in acknowledging that he has re-rented the unit and sought one half of a months' rent for February 2018.

I accept the undisputed evidence of the landlord, in testimony and documentary submissions, that the tenants did not pay their portion of the utilities totalling \$550.00 as of the date of the landlords' issuance of the 10 Day Notice and his Application for Dispute Resolution. I find that the landlords are entitled to \$550.00 towards utilities from the tenants. I find that the landlords did not provide sufficient evidence of an additional utilities amount of \$400.00 incurred after his application date. I am issuing the attached monetary order that includes the landlord's application for January 2018 and half of February 2018 unpaid rent as well as \$550.00 in unpaid utilities.

The landlords also sought to recover an amount from the tenants as a result of his costs in cleaning and repairing the unit at the end of their tenancy. However, the landlord did not amend the application prior to this hearing or provide any notice to the tenants that he intended to seek an additional amount for these costs from the tenants. For that reason, I find that I cannot address his costs for cleaning and repairing at this time. I advised the landlord that a separate application would be required to address these additional costs.

The landlord testified that he continues to hold a security deposit of \$1275.00 plus any interest from the outset of this tenancy to the date of this decision for this tenancy. There is no interest payable for this period. Pursuant to section 72 of the Act, I will allow the landlords to retain the tenants' security deposit in partial satisfaction of his monetary award.

As the landlords were successful in his application for a monetary amount for unpaid rent and utilities, the landlords are entitled to recover his filing fee.

Conclusion

I issue a monetary Order in favour of the landlords as follows:

Item	Amount
Unpaid Rent – January 2018	\$2550.00
Unpaid Rent – February 2018 (half month)	1275.00
Utilities outstanding (as of January 17, 2018)	550.00
Less Security Deposit (no interest)	-1275.00
Recovery of Filing Fee for this Application	100.00
Total Monetary Order - Landlords	\$3200.00

The landlords are provided with this monetary Order in the above terms and the tenant must be served with this Order as soon as possible. Should the tenant 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: March 14, 2018

Residential Tenancy Branch