



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, OPU, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for a Monetary Order for unpaid rent and utilities, for an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent and/or Utilities (the “10 Day Notice”), and for the recovery of the filing fee paid for this application.

The Landlord was present for the teleconference hearing, while no one called in for the Tenant during the approximately 14-minute long hearing. The Landlord provided affirmed testimony that the Notice of Hearing along with the Landlord’s evidence package was served to the Tenant in person.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issues to be Decided

Is the Landlord entitled to an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent and/or Utilities?

Is the Landlord entitled to a Monetary Order for unpaid rent and utilities?

Should the Landlord be awarded the recovery of the filing fee paid for this Application for Dispute Resolution?

Background and Evidence

The Landlord provided undisputed testimony regarding the tenancy. The tenancy began in December 2016 at which time the Tenant only rented one suite in a home with two rental units. In March 2017, the Tenant rented both the upper and lower level suites and the rent became \$1,900.00 per month, due on the 15th of every month. No written tenancy agreement was signed and no security deposit was paid.

The Landlord testified that the Tenant was responsible for paying the electricity bill. The bill was sent to the Landlord, who would notify the Tenant of the amount and the Tenant would pay this amount to the Landlord along with the monthly rent.

On June 1, 2018, the Landlord served the Tenant with a 10 Day Notice due to rent that remained unpaid on May 15, 2018. The 10 Day Notice stated the effective end of tenancy date as June 10, 2018.

On July 18, 2018, the Landlord attended the home and discovered that the Tenant had vacated.

The Landlord stated that as he has possession of the home back, he is no longer requesting an Order of Possession. He is claiming for unpaid rent that was due on May 15, 2018 and June 15, 2018 at \$1,900.00 per month, for a total amount of \$3,800.00.

The Landlord is also claiming two electricity bills that remain unpaid. The two bills were submitted into evidence. The first one is for the period of February 14, 2018 to April 13, 2018 in the amount of \$858.01. The second bill is for the period of April 14, 2018 to June 12, 2018 in the amount of \$663.30, for a total amount owing of \$1,521.31. The Landlord testified that all previous electricity bills were paid by the Tenant.

Analysis

As the Landlord confirmed that the tenancy has ended and the Landlord has possession of the rental unit, I find that an Order of Possession is no longer needed and will therefore not be issued.

I accept the affirmed and undisputed testimony of the Landlord that rent in the amount of \$3,800.00 remains unpaid. Despite no written tenancy agreement, I also accept the

Landlord's testimony that the Tenant was aware that the electricity bill was his responsibility and therefore find that the Tenant owes \$1,521.31 for utilities.

As the Landlord was successful in his application, I award the recovery of the \$100.00 filing fee paid for this application, pursuant to Section 72 of the *Act*. A Monetary Order will be granted to the Landlord in the amount outlined below.

Monetary Order Calculations

Rent May 15-June 15, 2018	\$1,900.00
Rent June 15-July 15, 2018	\$1,900.00
Electricity February 14-June 12, 2018	\$1,521.31
Recovery of filing fee	\$100.00
Total owing to Landlord	\$5,421.31

Conclusion

Pursuant to Sections 67 and 72 of the *Act*, I grant the Landlord a **Monetary Order** in the amount of **\$5,421.31** for rent owed for the period from May 15, 2018 to July 15, 2018, for two unpaid electricity bills, and for the recovery of the filing fee for this application. The Landlord is provided with this 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: July 31, 2018

Residential Tenancy Branch