



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR-S MNDC -S, FF

Introduction

This hearing was convened in response to an application and subsequent amendment by the landlord for a Monetary Order in respect to claims of,

- Unpaid rent,
- Unpaid unit and property utilities,
- Damages consisting of cleaning and refuse removal, and
- Supreme Court fee and resulting Bailiff costs to secure possession of unit pursuant to an Order of Possession (*see style of cause*)
- Recover the filing fee

The hearing was conducted by conference call. The landlord and their representative and interpreter attended the hearing. The tenant did not attend the hearing. I am satisfied by the landlord's evidence that the tenant was served with the application and Notice of Hearing package including evidence, as well as the landlord's amendment to this matter; all by registered mail to the forwarding address of the tenant. The landlord provided proof of mail registration including the respective tracking numbers and proof of registered mail delivery. I am satisfied the tenant was served with the action against them in accordance with the Act. The tenant did not submit evidence to this matter.

Issue(s) to be Decided

Is the landlord entitled to a monetary order in the amounts claimed?

Background and Evidence

The undisputed testimony and evidence of the landlord is as follows. The tenancy started June 01, 2018 and ended November 26, 2018. I have benefit of the tenancy

agreement which states that rent payable under the tenancy agreement was \$2100.00 per month and that the amount for rent did not include utilities, for the unit or residential property, for which the tenant was responsible to pay 80% respectively. The landlord confirmed collecting a security deposit and pet damage deposit in equal respective amounts of \$1050.00, totalling \$2100.00, which they retain in trust.

The landlord was previously awarded an Order of Possession based on unpaid rent. The landlord provided evidence of 10 Day Notices to End for Unpaid Rent issued to the tenant dated August 26 and October 16, 2018 claiming the tenant did not pay any rent for the period of July through to November 2018 totalling, \$10,500.00

The landlord confirmed as follows. They provided evidence of unpaid utilities with calculations indicating the tenant owes 80% of the electric utility to September 21, 2018 in the amount of, \$815.70

The landlord further confirmed and provided evidence of unpaid utilities with calculations indicating the tenant owes 80% of the electric utility from September 22, 2018 to end of the tenancy in the amount of, \$813.80

The landlord additionally confirmed and provided evidence of unpaid utilities with calculations indicating the tenant owes 80% of the City utilities to the end of the tenancy in the amount of, \$266.00

The landlord provided the receipt for the Supreme Court filing fee of, \$120.00

The landlord provided the invoice for the resulting Bailiff's costs associated with enforcing the Arbitrator's Order of Possession in the sum of, \$4,575.30

The landlord provided an invoice for removal and disposal of approximately 4 tons of drywall which the tenant left on the landlord's property, in the amount of, \$1,500.00

The landlord provided an invoice for removal and disposal of refuse and other cast offs of the tenant in the amount of, \$500.00

Analysis

The full text of the Act, and other resources, can be accessed via the Residential Tenancy Branch website: www.gov.bc.ca/landlordtenant.

I accept the landlord's testimony and documentary evidence submitted as establishing that they incurred the amounts claimed and to which they are entitled to compensation in the same amounts. The landlord is further entitled to recover the \$100.00 filing fee paid for their application. The security and pet damage deposits will be off-set from the award made herein. *Calculation for a Monetary Order is as follows,*

Rental Arrears: July – November 2018	\$10,500.00
Electric utility – (\$815.70 + \$813.80)	\$1629.50
City utilities	\$266.00
Supreme Court filing fee	\$120.00
Bailiff costs – enforcement of Order of Possession	\$4575.30
Removal/disposal costs (\$500.00 + \$1500.00)	\$2000.00
Filing Fee for the cost of this application	\$100.00
<i>Less security and pet damage deposits</i>	<i>-\$2100.00</i>
Total Monetary Award	\$17,090.80

I Order that the landlord retain the deposits of the tenancy totalling \$2100.00 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of **\$17090.80**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord's application has been granted as stated.

This Decision is final and binding.

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 13, 2019

Residential Tenancy Branch