

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession due to unpaid rent, a monetary order to recover rental arrears and inclusive of recovery of the filing fee associated with this application, and an order to retain the security deposit in partial satisfaction of the monetary claim.

As the tenant has moved from the rental unit, this decision will only deal with matters pertaining to the monetary claim.

Both, the landlord and tenant participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on February 15, 2008. Rent in the amount of \$975 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$487.50. The tenant failed to pay rent and utilities in the months of February and March 2009, and on March 21, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant vacated the rental unit on April 04, 2009 further failed to pay rent for April 2009.

The landlord is claiming Rent for February and March in the amount of \$1292.41 and a quantum of utilities totalling \$946.21. The landlord also seeks loss of revenue for April 2009 as he was unable to ready and rent the suite for April 15, 2009.

Analysis

Based on the above facts I find that the landlord has established a claim for unpaid rent and utilities inclusive of rent for April, 2009, in the total amount of **\$3213.62**. The landlord is also entitled to recovery of the \$50 filing fee for a total entitlement of **\$3263.62**

Conclusion

I order that the landlord retain the deposit and interest of \$493.91 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$2769.71**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated April 24, 2009