



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with a landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent and utilities; and, authorization to retain the security deposit. The tenant did not appear at the hearing. The landlord testified that the tenant was personally served the hearing documents, except one missing page, on October 16, 2012 at her place of work. The missing document was given to the tenant in person on November 15, 2012 at her place of work. I was satisfied the tenant was sufficiently served with notification of this proceeding and I continued to hear from the landlord without the tenant present.

At the commencement of the hearing the landlord stated that the tenant vacated the rental unit November 7, 2012. As the tenant has vacated the rental unit an Order of Possession is no longer required and I do not provide one with this decision.

### Issue(s) to be Decided

1. Has the landlord established an entitlement to recover unpaid rent and utilities in the amount claimed?
2. Is the landlord authorized to retain the tenant's security deposit?

### Background and Evidence

The landlord did not provide documentary evidence for this proceeding. The following information was provided by way of oral testimony and the details of dispute on the Application for Dispute Resolution.

The tenancy commenced July 1, 2012 and the tenant paid a security deposit of \$325.00. The tenant was required to pay rent of \$650.00 on the 1<sup>st</sup> day of every month plus 40% of utility bills.

The tenant did not pay rent for October 2012 and on October 6, 2012 the landlord posted a 10 Day Notice to End Tenancy for Unpaid Rent. The tenant remained in the

rental unit without paying rent until November 7, 2012. The landlord is seeking to recover unpaid rent and/or loss of rent for the months of October and November 2012 in the amount of \$1,300.00.

The landlord also indicated that utilities were not paid for the months of August, September and October 2012. The landlord stated that the amount of utilities payable by the tenant depends on the amount of the hydro and gas bills. The landlord did not provide a detailed breakdown of the amount owed for utilities on the Application for Dispute Resolution. Nor did the landlord provide a copy of the tenancy agreement or utility bills as evidence. However, during the hearing the landlord stated the tenant owed utilities in the amounts of \$35.00 for August 2012; \$35.00 for September 2012; and, \$40.00 for October 2012.

### Analysis

Based upon the undisputed evidence before me, I am satisfied the tenant was required to pay rent of \$650.00 per month and failed to do so for the month of October 2012. I am also satisfied that the tenant continued to occupy the rental unit in November 2012 and the landlord suffered a loss of rent for the month of November 2012. Therefore, I grant the landlord's request to recover \$1,300.00 from the tenant for unpaid and/or loss of rent.

With respect to the landlord's request for utilities I find the landlord failed to provide sufficient particulars in the details of dispute or other evidence to support the amounts requested. Therefore, I dismiss this portion of the landlord's claim.

I award the filing fee to the landlord and authorize the landlord to retain the tenant's security deposit in partial satisfaction of the rent owed to the landlord. Provided to the landlord with this decision is a Monetary Order calculated as follows:

Unpaid rent – October 2012	\$ 650.00
Loss of rent – November 2012	650.00
Utilities	nil
Filing fee	50.00
Less: security deposit	<u>( 325.00)</u>
Monetary Order	\$1,025.00

The landlord must serve the Monetary Order upon the tenant and may enforce it in Provincial Court (Small Claims) as necessary.

Conclusion

The landlord has been authorized to retain the security deposit and has been provided a Monetary Order for the balance of \$1,025.00 to serve and enforce as necessary.

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: November 20, 2012.

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Residential Tenancy Branch