



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent, utilities, and the filing fee.

The notice of hearing was served on the tenant on December 20, 2012, in person in the presence of a witness. The landlord filed proof of service. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The tenant moved out on or about January 17, 2013, without informing the landlord. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent, utilities and the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, utilities and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on August 01, 2012. The monthly rent was \$700.00 due in advance on the first of each month and did not include utilities. The rental unit is a two level home. The tenant rented the lower level and the landlord lived upstairs. The utility bill was shared by both parties.

The tenant failed to pay rent and utilities for December. On December 14, 2012, the landlord served the tenant with a notice to end tenancy for a total of \$800.00 in unpaid rent and utilities. The tenant did not pay rent and continued to occupy the rental unit in January.

The landlord stated that the tenant moved out on or about January 17, without paying the outstanding rent or utilities. The landlord is claiming \$ 1,777.25 which consists of \$800 for December, \$700.00 for January and a total of \$277.25 for outstanding utilities. The landlord filed copies of the utility bills.

Analysis

Based on the undisputed testimony of the landlord and in the absence of contradictory evidence from the tenant, I accept the landlord's evidence in respect of the claim. In this case the tenant did not pay rent or utilities for December 2012 and January 2013. Accordingly, I find that the landlord is entitled to his claim of a total of \$1,777.25.

Since the landlord has proven his claim, he is also entitled to the recovery of the filing fee (\$50.00).

Overall the landlord has established a total claim of \$1,827.25. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$1,827.25**.

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: January 22, 2013

Residential Tenancy Branch

