



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 for an order of possession and a monetary order for unpaid rent, unpaid utilities and the cost of changing the lock.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that he personally served the tenant with the application for dispute resolution and notice of hearing on March 20, 2013, and personally served the tenant with additional evidence on April 4, 2013. I accepted the landlord's testimony on service and proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on October 1, 2012. Rent in the amount of \$1000 is 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 \$500. The tenant failed to pay \$100 of the rent in the month of December 2012, and he paid no rent after that date. The tenant also failed to pay his electricity bills. On February 8, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent and utilities. The landlord attended at the rental unit and discovered that the tenant had changed the lock but had not provided the landlord with a key. The landlord has claimed \$4,100 for unpaid rent for December 2012 through April 2013; \$566 for unpaid electricity bills; and

\$160 for estimated costs to change the lock. The landlord provided a receipt showing that he had paid \$528.65 for the tenant's unpaid electricity bill.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$4,100 in unpaid rent, and \$528.65 in unpaid utilities. I find that the landlord's claim for further electrical costs is premature, as is the landlord's claim for the cost of changing the lock.

As the landlord's claim was mostly successful, I find he is also entitled to recovery of the \$50 filing fee for the cost of his application.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is entitled to \$4678.65. I order that the landlord retain the security deposit of \$500 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4178.65. This order may be filed in the Small Claims 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: April 16, 2013

Residential Tenancy Branch

