



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR; MNSD; FF

Introduction

This is the Landlords' application for a Monetary Order for unpaid rent and utilities; to retain the security deposit in partial satisfaction of their monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlords gave affirmed testimony at the Hearing.

The Landlords JB testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the Tenant's forwarding address on July 9, 2014. The Landlord provided the tracking numbers for the registered documents. A search of the Canada Post tracking system indicates that RL picked up the registered documents on July 16, 2014. JB stated that he served the Tenant with copies of the Landlords' documentary evidence by posting the documents to the Tenant's door on September 17, 2014.

Based on the Landlord JB's affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence. The Hearing remained open for 20 minutes.

Preliminary Matter

At the outset of the Hearing, the Landlords' application was amended to correct an error with respect to the spelling of the Tenant's last name.

Issues to be Decided

- Are the Landlords entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

The Landlords gave the following testimony:

This tenancy was a month-to-month tenancy commencing July 15, 2013. The Tenant moved out of the rental unit on June 10, 2014, pursuant to a Notice to End Tenancy for Unpaid Rent.

Monthly rent was \$900.00, due on the first day of each month. Rent did not include utilities. The Tenant paid a security deposit in the amount of \$450.00 on July 10, 2013.

The Landlords' Application for dispute resolution indicates that the Landlords are seeking a total monetary award in the amount of \$2,170.00. During the Hearing, the Landlords indicated that they now seek a monetary award for unpaid rent and utilities, calculated as follows:

Unpaid rent for May, 2014	\$900.00
Unpaid hydro for February, 2014	\$601.00
Less amount Tenant paid	<\$100.00>
Less amount Landlord paid	<\$100.00>
Unpaid hydro for April, 2014	\$456.00
Less amount Tenant paid	<\$600.00>
Less amount Landlord paid	<\$100.00>
Unpaid propane for March, 2014	\$637.00
Unpaid rent for June, 2014	<u>\$900.00</u>
TOTAL	\$2,594.00

The Landlords provided documentary evidence in support of their claim.

Analysis

The Landlords did not amend their Application in order to increase their monetary claim. Applications cannot be amended by merely providing additional evidence. Therefore, I advised the Landlords that I would consider only an amount up to the amount claimed on the Application that was served upon the Tenant.

Based on the undisputed affirmed testimony of the Landlords, I find that the Landlords have established a monetary claim in the total amount of **\$2,170.00**.

Pursuant to Section 72(2)(b) of the Act, the Landlords may apply the security deposit towards partial satisfaction of the Landlords' monetary award.

The Landlords have been successful in their application and I find that they are entitled to recover the cost of the **\$50.00** filing fee from the Tenant.

I hereby provide the Landlords with a Monetary Order, calculated as follows:

Monetary award	\$2,170.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$2,220.00
Less security deposit	- \$450.00
TOTAL AMOUNT DUE TO THE LANDLORDS AFTER SET-OFF	\$1,770.00

Conclusion

I hereby grant the Landlords a Monetary Order in the amount of **\$1,770.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: November 13, 2014

Residential Tenancy Branch

