

DECISION

Dispute Codes: MNR, MNSD, FF, O

This hearing dealt with an application by the landlords for a monetary order for outstanding utility charges and an order to retain the security deposit in satisfaction of the claim.

At the outset of the hearing, the landlords withdrew their claim for 1) costs incurred in removing dog feces and cleaning the unit and 2) the \$50.00 filing fee for this application. I therefore dismiss the landlords' application in these regards.

On November 29, 2008, the landlords collected a security deposit in the amount of \$400.00 from the tenants. The tenancy began on December 1, 2008. A monthly rent in the amount of \$800.00 was payable on the first day of each month. On February 28, 2009, the tenancy ended. On February 15, 2009, the landlords gave a partial refund of the security deposit to the tenants in the amount of \$200.00

The landlords are seeking recovery of outstanding utility charges for the period from January 13 to February 9, 2009. A copy of the utility bill for this period was submitted and it shows an amount owing to be \$689.22. The landlords said that they had a verbal agreement with the tenants whereas the tenants would be responsible for 30% of the utility charges for the house. Therefore, the amount of outstanding utility charges owing from the tenants should be \$206.76. I note that the tenancy agreement states that utilities are not included in the rent. Based on the above evidence, I find that the landlords have established a claim for outstanding utility charges in the amount of \$206.76. The landlords requested their claim to be limited to \$200.54. I order that the landlord retain the balance of the security deposit and interest of \$200.54 in satisfaction of the claim

Dated June 04, 2009.