

## **DECISION**

Dispute Codes      MNR FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain a Monetary Order for unpaid utilities and to recover the cost of the filing fee.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on March 13, 2009. Mail receipt numbers were provided in the landlord's documentary evidence. The tenant was deemed to be served the hearing documents on March 18, 2009, the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord appeared, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form.

There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*.

All of the testimony and documentary evidence was carefully considered.

### Issues(s) to be Decided

Is the landlord entitled to a Monetary Order under sections 67 and 72 for unpaid utilities and to recover the cost of the filing fee for this application?

### Background and Evidence

The month to month tenancy began March 15, 2008, ended October 15, 2008 with rent payable on the first of each month in the amount of \$1,000.00. The utilities for water, electricity, natural gas, and cable were all in the tenant's name.

The landlord testified that he received a letter from the City informing him that the tenant did not pay the last water and electricity bill of \$49.76 and that the landlord received this letter after his previous dispute resolution hearing which was held on November 27, 2008.

The landlord testified that he wrote the tenant a letter on February 11, 2009 demanding payment of the outstanding utilities and that the landlord has not received payment from the tenant for this amount owing.

The landlord stated that the tenant paid a portion of the amount ordered in the previous dispute and the landlord was wondering if the Dispute Resolution Officer could order the tenant to pay the balance.

The landlord has applied to recover the cost of the filing fee from the tenant for this application.

### Analysis

The landlord has requested an Order to have the tenant pay the balance due on a previously issued Monetary Order. Section 85 of the *Residential Tenancy Act* stipulates that an Order issued by a Dispute Resolution Officer for financial compensation may be filed in the Provincial Court and enforced as a judgment or an Order of that court. Based on the aforementioned the landlord is at liberty to file the previously issued Order in the Provincial Court for enforcement.

The landlord is requesting a monetary claim for unpaid utilities. Section 46 (6) of the *Act* states that if a tenancy agreement requires the tenant to pay utility charges and the utility charges are unpaid more than 30 days after the tenant is given a written demand for payment of them, the landlord may treat the utilities as unpaid. Based on the testimony and the documentary evidence I find that the tenant failed to pay utilities that were the tenant's responsibility under the tenancy agreement and I hereby grant the landlord's monetary claim of \$49.76.

As the landlord was successful in his claim, I hereby allow the landlord to recover the \$50.00 cost of the filing fee for this application.

**Monetary Order** – I find that the landlord is entitled to a monetary claim and that the landlord is entitled to recover the filing fee from the tenant as follows:

Unpaid Utilities	\$49.76
Filing fee	<u>50.00</u>
<b>TOTAL AMOUNT DUE TO THE LANDLORD</b>	<b>\$99.76</b>

Conclusion

I HEREBY FIND in favor of the landlord's monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for \$99.76. The order must be served on the respondent and is enforceable through the Provincial Court 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: June 08, 2009.

---

Dispute Resolution Officer