



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, 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 utilities and the filing fee.

The notice of hearing was served on the tenant on November 28, 2010, by posting it on the front door and by regular mail. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord called into the conference call hearing and was given full opportunity to present evidence and make submissions

The tenant moved out on November 30, 2010. 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 utilities and the filing fee.

Issues to be decided

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

Background and Evidence

The landlord testified that the tenancy started on October 01, 2006. The monthly rent was \$450.00 due in advance on the first of each month. The rent did not include utilities.

After the tenant moved out, the landlord received a utility bill. He contacted the tenant, with a request for payment, but the tenant did not pay the bill. The landlord is applying for a monetary order in the amount of \$330.98 which is the amount of the bill for utility use for the months of October and November.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. In the absence of evidence to the contrary, I find that the tenant owes \$330.98 for utilities. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$380.98. 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 **\$380.98**.

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: December 14, 2010.

Dispute Resolution Officer