



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent or utilities and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail and in person. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began February 1, 2010 with monthly rent of \$1250.00; the tenants paid a security deposit of \$625.00.

The landlord testified that the tenancy ended on January 31, 2011 and at that time the tenants owed \$392.26 on the December 2010 utilities and an unknown amount on the January 2011 utilities. The landlord and tenants agreed in writing on the move-out condition inspection report that the landlord would keep \$200.00 of the tenant's security deposit and that there would be an additional amount due from the January 2011 utility bill.

The landlord then had BC Hydro calculate the usage for January 2011 and this determined that the tenants owed \$233.60 for January 2011. The landlord stated that the total amount owed in utilities was \$625.86, less the \$200.00 security deposit resulting in balance of \$425.86.

The landlord stated that he and the tenants made a payment agreement and the tenants made one \$60.00 payment towards the utilities. The landlord stated that there is now an outstanding balance of \$365.86 owed on the utilities by the tenants.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid utilities in the amount of \$365.86.

The tenants vacated the rental unit without paying their portion of the utilities and it is clearly noted that on the tenancy agreement that the tenants are responsible for 2/3 of the utility bill.

Accordingly I find that the landlord is entitled to a monetary order for \$365.86.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$365.86 in unpaid utilities. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$415.86**.

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 8, 2011.

Residential Tenancy Branch