



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR and FF

Introduction

This application was brought by the landlord through his agent seeking a Monetary Order for unpaid utilities and recovery of the filing fee for this proceeding.

As a matter of note, this tenancy was the subject of a hearing on March 21, 2012 in which the parties arrived at a settlement agreement which resolved all matters in dispute except for outstanding utilities billings. The tenant had accepted responsibility for utilities to the end of the tenancy period and had agreed to verify the billing period and make payment, but has not done so.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order to recovery the unpaid utilities from the tenant?.

Background and Evidence

This tenancy ran from June 1, 2010 to November 1, 2011. Rent was \$950 per month and the landlord retained the security \$475 deposit in set off against damages by consent. Utilities were in the tenant's name.

During the hearing, the landlord's agent submitted into evidence a copy a letter dated May 17, 2012 demanding payment which was returned as undeliverable.

The landlord also submitted a copy of a Customer Account Enquiry showing that, to the time the tenant's account was closed, the amount owed was \$637.49.

That amount was added to the landlord's property taxes. He made the payment and now seeks to recover that and the filing fee from the tenant.

The tenant acknowledged and accepted the indebtedness and made explanation that he has returned to school and currently has limited funds. The tenant provided the landlord with his new address and telephone number and agreed to contact the landlord with a repayment proposal which the landlord said he would be happy to consider.

Analysis

Section 67 of the *Act* authorizes the director's delegate to determine an amount owed by one party of another arising from a breach of a rental agreement or the legislation.

As acknowledged by the tenant, I find that he owes the landlord \$637.49 as claimed and, as the application has succeeded on its merits, I find that the landlord may recover the \$50 filing fee for this proceeding from the tenant for a total of \$687.49.

Conclusion

The landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for \$687.49 for service on the tenant.

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: September 26, 2012.

Residential Tenancy Branch