



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with the landlord's application for a Monetary Order for unpaid utilities and authorization to retain the security deposit and pet deposit. The tenant did not appear at the hearing. The landlord provided a registered mail receipt, including tracking number, and the tracking information as proof the tenant received the original hearing documents on July 19, 2012. The address used for service was the forwarding address provided by the tenant, in writing, and received by the landlord July 1, 2012.

On September 10, 2012 the landlord amended the application to include additional utility charges and sent the amended application to the tenant at the forwarding address via registered mail on September 11, 2012. The tracing information shows that the tenant has not claimed the registered mail for the amended application.

I was satisfied the landlord has sufficiently served the tenant with the original and amended applications in a manner that complies with the Act. Accordingly, I proceeded to hear from the landlord without the tenant present.

### Issue(s) to be Decided

1. Is the landlord entitled to recover unpaid utilities from the tenant?
2. Is the landlord authorized to retain the security deposit and pet deposit in partial satisfaction of the unpaid utilities?

### Background and Evidence

The tenancy commenced August 1, 2011 and the tenant paid a \$447.00 security deposit and a \$447.00 pet deposit. The tenancy agreement provides that the tenant is required to pay 25% of all utilities in addition to the monthly rent of \$895.00. The tenant gave notice to end the tenancy at the end of June 2012.

The landlord testified that during the tenancy he provided the tenant with invoices requesting payment for the utilities; however, the invoices remained unpaid at the end of the tenancy.

The landlord testified that he attended the property on June 30, 2012 but the unit was not ready for inspection. He returned to the property on July 1, 2012 and found a note from the tenant with her forwarding address. The landlord filed this application on July 13, 2012.

The landlord is seeking to recover \$1,470.78 from the tenant for 25% of: five unpaid hydro bills for the billing periods of August 17, 2011 through June 14, 2012; and, a gas bill for the period of May 17, 2012 through June 14, 2012.

The landlord provided a copy of the tenancy agreement, invoices, and utility bills to support his request to recover \$1,470.78 in unpaid hydro and gas from the tenant. Also provided as evidence were copies of the tenant's note with her forwarding address and registered mail receipts.

### Analysis

Upon review of the tenancy agreement I am satisfied that electricity and heat were not included in rent and that the tenant was required to pay the landlord 25% of all utility bills. I find the landlord has provided sufficient evidence to support the amount he is claiming for unpaid hydro and gas bills.

In light of the above, I grant the landlord's request to recover \$1,470.78 from the tenant. I further award the \$50.00 filing fee to the landlord.

I authorize the landlord to retain the tenant's security deposit and pet deposit in partial satisfaction of the amounts awarded to the landlord. Therefore, I provide the landlord with a Monetary Order for the balance of \$626.78 [ $\$1,470.78 + \$50.00 - \$447.00 - \$447.00$ ] to serve upon the tenant. The Monetary Order may be enforced in Provincial Court (Small Claims) as an order of the court.

### Conclusion

The landlord has been authorized to retain the tenant's security deposit and pet deposit in partial satisfaction of unpaid utilities. The landlord has been provided a Monetary Order for the balance of \$626.78 to serve upon the tenant and enforce as necessary.

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.

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Residential Tenancy Branch