



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC and FF

Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Tenant applied for a monetary Order for money owed or compensation for damage or loss and to recover the filing fee from the Landlord for the cost of filing this application.

The Tenant stated that the Application for Dispute Resolution, the Notice of Hearing, and several documents he intends to rely upon as evidence were sent to the Landlord via registered mail at the service address noted on the Application, on July 20, 2012. The Tenant cited a Canada Post tracking number that corroborates this statement. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Landlord did not appear at the hearing.

I specifically note that I was unable to access the Telus Web Portal during this conference call.

Issue(s) to be Decided

The issues to be decided are whether the Tenant is entitled to recover money he paid for gas charges and to recover the cost of filing this Application for Dispute Resolution.

Background and Evidence

The Tenant stated that this tenancy began on August 01, 2008 and ended on April 30, 2012. He stated that he rented the upper unit of this residential complex; that the Landlord rented the lower unit to another party; that the residential complex had one gas meter that monitored consumption in both units; that the gas bill was in his name; and that the Landlord agreed that he would pay the Tenant 1/3 of all gas charges incurred during the tenancy.

The Tenant submitted gas bills that show the Tenant has incurred gas charges of \$7,676.93 during this tenancy. The Tenant stated that the Landlord has not paid any portion of these charges, and he is seeking compensation for 1/3 of the charges.

Analysis

On the basis of the evidence provided by the Tenant and in the absence of evidence to the contrary, I find that this tenancy began on August 01, 2008 and ended on April 30, 2012.

On the basis of the evidence provided by the Tenant and in the absence of evidence to the contrary, I find the Landlord and the Tenant agreed that Tenant would pay the gas bill for the entire residential complex and that the Landlord would reimburse the Tenant for 1/3 of those costs.

On the basis of the evidence provided by the Tenant and in the absence of evidence to the contrary, I find the gas charges of \$7,676.93 were incurred during this tenancy and that the Landlord has not paid any portion of these charges. I therefore find that the Landlord must pay 1/3 of the charges to the Tenant, which is \$2,558.98.

Conclusion

I find that the Tenant has established a monetary claim of \$2,608.98, which is comprised of 2,558.98 in gas charges and \$50.00 as compensation for the cost of filing this Application for Dispute Resolution, and I am issuing a monetary Order in that amount. In the event that the Landlord does not voluntarily comply with this Order, it may be filed with the Province of British Columbia Small Claims Court and enforced 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: October 03, 2012.

Residential Tenancy Branch