



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNR, FF*

Introduction,

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for a monetary order for utilities, lost wages, costs of faxing and mailing documents and for filing fees. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

A hearing was conducted on April 26, 2012 to resolve a dispute between these two parties. In the absence of the landlord, the tenant was awarded a monetary order for the return of double the security deposit. The landlord applied for a review hearing which was granted after a Provincial Court order was presented to the reviewing Arbitrator. The decision dated April 26, 2012 was set aside and the matter was reheard. The tenant was granted a monetary order for the return of the base amount of the security deposit plus filing fees and an NSF charge. The landlord has now made his application for a monetary order which is the subject of this hearing.

Issues to be decided

Is the landlord entitled to a monetary order for utilities, filing fees and mailing costs?

Background and Evidence

The tenancy started on October 18, 2009 and ended on December 31, 2011. The monthly rent was \$500.00 and did not include utilities. The rental unit consisted of a house with two suites. The tenant occupied the lower suite and was required to contribute \$40.00 per month towards utilities.

The tenants of the upper suite vacated on October 05, 2011 and the tenant was the sole occupant of the house. After the tenant moved out, the landlord received a hydro bill and filed a copy into evidence. He calculated the tenant's share of hydro to be \$255.68 for the time that the tenant was the sole occupant of the house.

The issue of the cost of utilities was discussed at length and during this discussion, the landlord agreed to accept \$40.00 in full satisfaction of the utility bill. The tenant agreed to pay this amount.

The landlord has also filed a claim for the cost of mailing and faxing documents in the total amount of \$16.12.

When the tenant filed the monetary order in Provincial Court, the landlord incurred costs of \$42.00 when his mortgage payment defaulted due to garnishment. The landlord is claiming this amount and is also claiming lost wages in the amount of \$412.02 for time spent in Provincial Court.

The landlord is claiming filing fees for both his review application and for this application.

Analysis

The tenant agreed to pay \$40.00 for utilities and the landlord agreed to accept this amount. Therefore the landlord is entitled to \$40.00.

The legislation does not permit me to award any litigation related costs other than the filing fee. Therefore the landlord's claim for the cost of mailing/faxing documents, mortgage default payments and loss of wages is dismissed.

The landlord was successful in his application for review of the prior decision and is partially successful in this dispute and therefore, I award him the filing fees for both applications in the total amount of \$75.00.

Overall the landlord has established a claim for \$115.00. 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 in the amount of **\$115.00**.

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, 2012.

Residential Tenancy Branch