



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This was an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of utilities, and a request for a Monetary Order for \$904.00 in outstanding utilities. The applicant also requested recovery of the \$50.00 filing fee.

At the hearing however the applicant testified that the tenants had already vacated and that an Order of Possession was no longer required.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order for \$904.00 in outstanding utilities?

Background and Evidence

The applicant testified that:

- The tenants failed to put the utility Bill in their name and at the end of the tenancy there are utilities outstanding totaling \$904.00.
- The tenants stated they would pay the outstanding utilities but have failed to do so.

- They are therefore requesting an Order for the tenants to pay the outstanding utilities.

The respondent's testified that:

- The landlord has never given them a copy of utility Bill, and they do not believe that they owe \$904.00 and are unwilling to pay a bill without having received proof of the outstanding amount.

Analysis

The landlord is claiming that there is \$904.00 in outstanding utilities; however the landlord has provided no evidence in support of that claim.

Landlord testified that the Hydro Company has informed her that \$904.00 is the amount that's outstanding; however the landlord has provided no evidence from the Hydro Company in support of this claim.

In the absence of any evidence to show what, if any, utilities outstanding I'm not willing to issue any order in favor of the landlords.

Conclusion

This application is dismissed in full without leave to reapply.

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: July 17, 2013

Residential Tenancy Branch

