



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION CLARIFICATION/CORRECTION

Dispute Codes: FF MND MNDC MNR MNSD

The landlord applies for a correction of the decision rendered in this dispute dated December 30, 2013.

In that decision I dealt with the landlord's claim for unpaid utilities as follows:

I dismiss the landlord's claim for unpaid utilities. As was made clear by Arbitrator # in the September hearing, the term of this tenancy agreement requiring the tenants to pay the utilities is an unenforceable term.

The landlord claims that determination should be clarified, arguing that Arbitrator # was referring only to the BC Hydro utility that had been put in the tenants' name pursuant to the tenancy agreement addendum and not to the water utility that had remained in the landlord's name and for which the tenants were required to pay half under the addendum.

I have reviewed this matter and Arbitrator # decision and find that the landlord is correct. I determine that my decision must not only be clarified but also corrected.

The tenants were responsible for half the \$156.69 water bill dated August 20, 2013, less the \$50.00 cash payment in July to which Ms. D. testified and which the landlord acknowledged.

Technically the landlord may also be entitled to a one half contribution for water usage during the period August 16, 2013 (the day of the meter reading by the provider) to the end of the tenancy on August 31, 2013, though the tenants apparently returned possession in mid-August. However, before the landlord can properly claim for that contribution he must present the utility bill for payment. Calculation of a daily rate will not suffice in these circumstances. The actual bill is required.

The landlord is free to re-apply to claim a portion of the water bill after August 16, 2013.

In light of this result I grant the landlord an additional monetary order against the respondent tenant in the amount of \$38.35.

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: January 31, 2014

Residential Tenancy Branch

