



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This is an application for a Monetary Order for \$376.90.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on January 16, 2014, however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Have the applicants established a monetary claim for \$376.90?

Background and Evidence

The applicants testified that:

- Their tenancy began on October 1, 2012 and in the agreement they were required to pay 50% utilities.
- Utilities were originally in the upstairs tenants name however they subsequently had to put the utilities in their name.
- Over the term of the tenancy the upstairs tenants failed to pay their portion of utilities and by the end of May 2013 they had overpaid their utilities by \$263.31.
- In June of 2013 a new tenant moved into the upstairs unit and at that time the landlord change the portion of utilities paid by the upstairs tenant to 60%, and we were to pay 40%. The upstairs tenant failed to pay any of the utilities and therefore we overpaid the June 2013 utilities by \$113.59.
- We are therefore requesting an Order for the landlord to reimburse us for the over payment of utilities totaling \$376.90 and are also requesting recovery of their \$50.00 filing fee.

Analysis

The applicants have provided a copy of the tenancy agreement that states that they were required to pay only 50% of utilities for this rental property.

The applicants have also provided invoices that show that they paid overpaid their utilities by \$263.31 to the end of May 2013.

In the absence of any contradictory testimony from the respondent, I also accept the applicant's testimony that the landlord lowered their portion of the utilities to 40% for the month of June 2013.

The applicants have provided an invoice that shows that they overpaid the June 2013 utilities by \$113.59.

I therefore allow the full amount claimed by the tenants and also order recovery of the filing fee.

Conclusion

I have allowed the applicants full claim and pursuant to Sections 67 and 72 of the Residential Tenancy Act I have issued an Order for the respondent to pay \$426.90 to the applicants.

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: May 15, 2014

Residential Tenancy Branch

