



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AWM Alliance Real Estate Group
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNDC, FF

Introduction

This hearing concerns the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The unit which is the subject of this dispute is located in a 2 storey house. The unit comprises the entire upper storey of the house, in addition to the larger portion of the lower storey. The smaller portion of the lower storey comprises a separate rental unit.

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the fixed term of tenancy is from July 01, 2013 to June 30, 2014. Monthly rent of \$1,550.00 is due and payable in advance on the first day of each month. A security deposit of \$775.00 and a pet damage deposit of \$387.50 were collected. The parties agree that the tenancy agreement provides that utilities (hydro + gas) are not included in the rent, and are therefore the tenant's responsibility.

The tenant has become concerned that he has been paying for hydro and gas not only for his unit, but as well, for the smaller unit located in the lower storey of the house.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute, and undertook to achieve a resolution.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the landlord will credit the tenant for utilities (hydro and gas) up to April 21, 2014 in the amount of **\$865.30** (\$3,461.18 x 25%), in addition to crediting the tenant for **half** the \$50.00 filing fee paid by him in the amount of **\$25.00**;
- that the tenant will realize the above credit in the total amount of **\$890.30** (\$865.30 + \$25.00), by way of applying it against rent of **\$1,550.00** which is due on June 01, 2014;
- that following from the above, the net total amount of **rent due on June 01, 2014** is **\$659.70** (\$1,550.00 - \$890.30);
- that the parties will undertake to **resolve directly between them** the apportioning of utility costs from April 22, 2014 to such time as the tenancy ends.

Conclusion

The parties are hereby ordered to comply with the terms in the **Record of Settlement**.

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 01, 2014

Residential Tenancy Branch

