



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNDC FF

Introduction

This hearing dealt with an application by the landlord for monetary compensation pursuant to a settlement agreement.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord submitted evidence that they served the tenants with the application for dispute resolution and notice of hearing by registered mail sent on March 11, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on March 15, 2014, and I proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The landlord and the tenants participated in a dispute resolution hearing on January 13, 2014, and the parties reached a settlement agreement. One of the terms of the settlement agreement was that the tenants would pay the landlord half the cost of utilities. The landlord stated that the tenants did not pay for the utilities, their portion of which totalled \$392.03. The landlord now claims that amount.

In support of their claim, the landlord submitted a copy of the settlement agreement dated January 13, 2014; a copy of the cheque that the tenants sent the landlord, which did not cover the cost for half of the utilities; a copy of the relevant utilities bill; and their calculation of the tenants' portion of the bill.

Analysis

I find that the landlord has established their claim for \$392.03 in outstanding utilities. The evidence noted above shows that the tenants agreed to pay the landlord half of the outstanding utilities, and they did not do so.

As the landlord's application was successful, they are also entitled to recovery of the \$50 filing fee for the cost of this application.

Conclusion

I grant the landlord an order under section 67 for the balance due of \$442.03. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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 7, 2014

Residential Tenancy Branch

