



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR

Introduction

This hearing was scheduled in response to the landlord's application for a monetary order as compensation for unpaid utilities. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement the fixed term of tenancy is from February 15, 2012 to August 14, 2013. Monthly rent of \$1,950.00 is due and payable in advance on the 15th day of each month, and a security deposit of \$975.00 was collected. By way of mutual agreement, tenancy ended June 14, 2013.

The written tenancy agreement provides that no utilities are included in the rent. In his application the landlord seeks payment from the tenant for "flat water / sewer use" for the months of tenancy falling within 2012 & 2013 in the total amount of **\$780.78**.

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 tenant will pay the landlord **\$400.72** (\$257.67 + \$143.05), which is calculated as follows:

2012: \$294.50 (annual fee for flat water) ÷ 12 (# mths. in year) = \$24.54
(monthly average)

\$24.54 (monthly average) x 10.5 (# mths. tenancy) = **\$257.67**

2013: \$312.17 (annual fee for flat water) ÷ 12 (# mths. in year) = \$26.01
(monthly average)

\$26.01 (monthly average) x 5.5 (# mths. tenancy) = **\$143.05**

- that a **monetary order** will be issued in favour of the landlord for **\$400.72**;
- that the above payment will be by **cheque**, which is put into the mail by no later than **midnight, Thursday, July 31, 2014**.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$400.72**. Should it be necessary, this order may be served on the tenant, 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 08, 2014

Residential Tenancy Branch

