



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid utilities - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not attend the hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy started on March 15, 2013 and ended on June 15, 2014. At the end of the tenancy the Landlord returned the security deposit to the Tenants. The tenancy agreement requires the Tenant to pay all utilities. The Tenant failed to pay utilities for the period February 18 to June 15, 2014. The Landlord states that the utility provider charges the owner with outstanding utilities. The Landlord states that the Tenant paid \$100.00 towards the outstanding amount on July 28, 2014 and the Landlord claims the remaining amount of \$397.56 in compensation. The Landlord provided an invoice for the outstanding utilities.

Analysis

Section 7 of the Act provides that where a tenant does not comply with the Act, regulation or tenancy agreement, the tenant must compensate the landlord for damage or loss that results. Based in the undisputed evidence of the Landlord and considering the invoice detailing the outstanding utilities to June 15, 2014, I find that the Landlord has substantiated its claim to **\$397.56**. As the Landlord has been successful with its application I find that the Landlord is also entitled to recovery of the **\$50.00** filing fee for a total entitlement of **\$447.56**.

Conclusion

I grant the Landlord an order under Section 67 of the Act for **\$447.56**. If necessary, 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: March 12, 2015

Residential Tenancy Branch

