



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by both landlords.

The landlords testified each tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on December 30, 2014 in accordance with Section 89. Canada Post tracking information confirms the tenants received the hearing document package on January 5, 2015.

Based on the testimony of the landlords, I find that each tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to a monetary order for unpaid utilities, pursuant to Sections 67, and 72 of the *Act*.

Background and Evidence

The landlords have submitted into evidence a copy of a tenancy agreement signed by the parties on June 11, 2013 for a 1 year fixed term tenancy beginning on July 7, 2013 for a monthly rent of \$1,600.00 due on the 1st of each month with a security deposit of \$800.00 paid. The tenancy agreement specifically excludes utilities as part of rent.

The landlords submit that despite responsibility for the payment of utilities the tenants failed to pay water and sewage costs with the local municipality. In support of their claim the landlords have submitted two bills naming the male tenant, as the customer, in care of the landlords.

The bills record water and sewage charges for the periods from January 1, 2014 to April 30, 2014 and May 1, 2014 to August 31, 2014, for a total outstanding amount of

\$547.86. The landlords submit that despite repeated attempts to contact the tenants for payment the tenants have not responded.

Analysis

To be successful in a claim for compensation for damage or loss the applicant has the burden to provide sufficient evidence to establish the following four points:

1. That a damage or loss exists;
2. That the damage or loss results from a violation of the *Act*, regulation or tenancy agreement;
3. The value of the damage or loss; **and**
4. Steps taken, if any, to mitigate the damage or loss.

Based on the undisputed testimony and evidence provided by the landlord I find that the tenants have violated the tenancy agreement by failing to pay for utilities charged and as a result the landlords have suffered a loss. I find the landlords have established the value of this loss as claimed through the submission of utility bills. I also find the landlords took reasonable steps to attempt to contact the tenants for payment.

Conclusion

I find the landlords are entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$547.86** comprised of utilities owed.

This order must be served on the tenants. If the tenants fail to comply with this order the landlords may file the order in the Provincial Court (Small Claims) and be 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 24, 2015

Residential Tenancy Branch

