



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession, a Monetary Order for unpaid rent or utilities and to recover the filing fee for this proceeding.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail on March 24, 2015. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

The Landlord said the Tenant moved out of the unit in the middle of April, 2015, therefore the Landlords are withdrawing the application for an Order of Possession as they have possession of the rental unit.

Issues(s) to be Decided

1. Are there rent or utility arrears and if so, how much?
2. Is the Landlord entitled to compensation for unpaid rent or utilities and if so how much?

Background and Evidence

This tenancy started during the summer of 2013 as a verbal month to month tenancy. Rent was \$500.00 plus utilities per month payable in advance of the 1st day of each month. The Tenant did not pay a security deposit.

The Landlord said that the Tenant did not pay \$1,029.60 of Utilities for the January, 2015 billing period when it was due and as a result, on February 15, 2015 the Landlord's agent personally delivered a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated February 15, 2015. As well the Landlord said the Tenant has unpaid utilities for the time period of January to April, 2015 and the total amount of utilities owing is \$2,075.84. The Landlord said he has paid the utility bill and he submitted it in

his evidence package. The Landlord said they are requesting a claim for unpaid utilities of \$2,075.84 and the recovery of their filing fee of \$50.00.

Analysis

Section 26 of the Act says a tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent.

Section 46 of the Act says unpaid utilities can be treated as unpaid rent after 30 days if the landlord makes a formal demand for the payment of the utilities.

The Landlord has made a formal demand for the unpaid utilities and the Tenant does not have the right under the Act to withhold part or all of the rent or utilities, therefore I find in favour of the Landlord for the unpaid rent/utilities in the amount of \$2,075.84.

As the Landlords have been successful in this matter, they are also entitled to recover from the Tenant the \$50.00 filing fee for this proceeding. The Landlord will receive a monetary order for the balance owing as following:

Utility arrears:	\$2,075.84
Recover filing fee	\$ 50.00
Subtotal:	\$2,125.84
Balance Owing	\$2,125.84

Conclusion

A Monetary Order in the amount of \$2,125.84 has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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 05, 2015

Residential Tenancy Branch

