



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This is an application brought by the Landlord requesting a monetary order in the amount of \$564.11, and recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on April 12, 2015; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

The applicant was affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondent for unpaid utilities, and if so in what amount.

Background and Evidence

The landlord testified that it was found in a previous arbitration that the tenant is required to pay one quarter of the Hydro utility at the rental property.

The landlord has further testified that the tenant has failed to pay the ¼ December 2014 Hydro amount of \$282.76, and the ¼ February 2014 Hydro amount of \$281.35 for a total of \$564.11.

The landlord is therefore requesting a monetary order for those outstanding utilities and recovery of his \$50.00 filing fee.

Analysis

The landlord has provided a copy of the decision from the previous arbitration hearing and in that decision the arbitrator states that the contractual obligations of the tenant to pay Hydro at the agreed rate of one quarter are enforceable.

The landlord has also provided evidence to show that the Hydro Bill for December 2014 came to a total of \$1131.03 and therefore the tenant's portion would be \$282.76.

The landlord is also provided evidence to show that the Hydro Bill for February 2015 was \$1125.40, and therefore the tenants portion would be \$281.35.

I therefore allow the landlords full claim for outstanding utilities totaling \$564.11.

I also allow the landlords request for recovery of the \$50.00 filing fee.

Conclusion

I have issued a monetary order for the respondent to pay \$614.11 to the applicant.

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: September 14, 2015

Residential Tenancy Branch

