



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## SETTLEMENT AGREEMENT

Dispute Codes      CNR FF MNDC O

### Introduction

This hearing dealt with an application by the tenant for an order setting aside the landlord's 10 Day Notice to End Tenancy for non-payment of utilities and a monetary order. At the hearing the landlord requested an order of possession in the event the tenant's application was not successful. Both parties attended the hearing and had an opportunity to be heard.

At the outset of the hearing I advised the tenant that her monetary claim of \$5,000.00 for defamation and recovery of costs for hearing preparation were not within my jurisdiction and therefore could not be dealt with by me. I advised the tenant that the only cost I was authorized to award in connection with the bringing of her application was the \$50.00 filing fee.

The parties then proceeded to testify as to the matters before me. The central issue was whether the tenant had paid all outstanding utility bills. The tenant claimed she had paid all bills that were presented to her. The landlord claimed that this was not the case. It became apparent during the testimony of the parties that the difficulty in determining which bills had been paid and when were due to the fact that the landlord has the utility bills in his name rather than the bills being in the name of the tenant. As a result, a settlement was reached between the parties as follows:

- **The landlord agrees to terminate his billing for Fortis and BC Hydro effective October 31, 2015;**
- **The tenant agrees to commence her billing with Fortis and BC Hydro effective October 31, 2015;**
- **The parties agree that the tenant is responsible for paying 60 % of both the Fortis and BC Hydro bills;**
- **The landlord agrees that he will pay the other 40% on behalf of the downstairs tenant;**

- **The tenant agrees that she will provide the landlord with scanned copies of the Fortis and BC Hydro bills immediately upon her receipt thereof;**
- **The parties agree that any further communication between them that relates to the amount in question today namely, \$151.99, will be done by registered mail;**
- **The landlord agrees that the most recent Fortis and BC Hydro bills will be sent by email to the tenant by no later than 5:00 p.m. today;**
- **The parties agree that the \$50.00 cost of this application will be split between them.**

This settlement is recorded on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 05, 2015

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Residential Tenancy Branch

