



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes

MNR MNDC FF

### Introduction

This hearing was convened as a result of the landlord's application for dispute resolution seeking remedy under the *Residential Tenancy Act* (the "*Act*"). The landlord applied for a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The landlord and the spouse of the landlord appeared at the teleconference hearing and gave affirmed testimony. The landlord was advised of the hearing process and was given the opportunity to ask questions about the hearing process during the hearing.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), Application for Dispute Resolution (the "Application") and documentary evidence were considered. The landlord testified that the Notice of Hearing, Application and documentary evidence were served by registered mail on June 26, 2015. A tracking number for the registered mail package was submitted in evidence by the landlord. The landlord stated that the registered mail package was addressed to the forwarding address provided by the tenant. The landlord stated that the registered mail package was signed for and successfully delivered to the tenant on July 14, 2015, which was supported by the online registered mail tracking website. As a result of the above, I find the tenant was sufficiently served under the *Act* as of July 14, 2015, the day the registered mail package was signed for and accepted.

### Preliminary and Procedural Matter

During the hearing, the landlord requested to reduce their monetary claim from \$234.75 to \$201.86 as she confirmed that she had miscalculated the amount of her monetary claim. I find that such a reduction in the landlord's claim does not prejudice the tenant and I permit the reduction in the landlord's claim as a result pursuant to section 64(3) of the *Act*.

### Issue to be Decided

- Is the landlord entitled to a monetary order under the *Act*, and if so, in what amount?

### Background and Evidence

The landlord testified that a month to month tenancy began on July 1, 2014 and ended on October 1, 2014 when the tenant vacated the rental unit. The landlord testified that monthly rent was \$1,200 plus 50% of utilities which included gas and electricity.

The landlord's monetary claim is comprised of the following:

Item #	Description	Amount
1	50% of \$27.80 gas bill for 10 days in rental unit between September 22, 2014 to October 1, 2014	\$13.90
2	50% of \$101.08 gas bill for September 22, 2015 reading	\$50.54
3	50% of \$44.55 electricity bill for 15 days in rental unit between September 17, 2014 and October 1, 2014	\$22.28
4	50% of \$130.28 electricity bill for period between July 17, 2014 to September 16, 2014	\$65.14
5	Filing fee	\$50
<b>TOTAL</b>		<b>\$201.86</b>

The landlord stated that item #1 is for 50% of the total amount of gas utilities for a 10 day period between the September 22, 2014 gas reading and October 1, 2014, the day the tenant vacated the rental unit. In support of this portion of her claim, the landlord submitted a gas bill in the amount of \$70.63 in evidence and testified that she arrived at the amount of \$13.90 by dividing \$27.80 by 50%. The gas bill covers the period of September 22, 2014 to October 23, 2014.

For item #2 the landlord indicated that she is claiming 50% of the \$101.08 gas bill for the September 22, 2014 reading which covers the period between August 21, 2014 and September 22, 2014. The total being claimed for this portion is \$50.54 which is 50% of \$101.08. The gas bill which totals \$101.08 was submitted in evidence.

For item #3 the landlord is claiming for \$22.28 which is 50% of \$44.55 electricity bill for 15 days the tenant was in rental unit between September 17, 2014 and October 1, 2014. An electricity bill in the amount of \$184.20 was submitted in evidence and covers a period between September 17, 2014 and November 17, 2014, which is 62 days. \$184.20 divided by 62 days is a per diem amount of \$2.97 per day and the per diem amount multiplied by 15 days equals \$44.55.

For item #4 the landlord is claiming for 50% of the \$130.28 electricity bill that covers the period of July 17, 2014 to September 16, 2014. The electricity bill for \$130.28 was submitted in evidence which is for July 17, 2013 to September 16, 2014. 50% of \$130.28 equals \$65.14 which is the amount the landlord is claiming for this portion of her claim.

### Analysis

Based on the documentary evidence, the undisputed testimony of the landlord, and on the balance of probabilities, I find the following.

A party that makes an application for monetary compensation against another party has the burden to prove their claim. The burden of proof is based on the balance of probabilities. Awards for compensation are provided in sections 7 and 67 of the *Act*.

**Item 1** - The landlord has claimed 50% of \$27.80 for this portion of her claim, however I have reviewed the bill submitted in evidence and I find that the reading was taken for the period of September 22, 2014 to October 23, 2014, which is a total of 32 days. As \$70.63 divided by 32 days equals \$2.21 as a per diem amount, I find that the landlord is only entitled to 50% of \$22.10 (calculated at \$2.21 X 10 days) which is \$11.05. Therefore, I find the landlord has met the burden of proof in establishing a monetary claim of **\$11.05** for this portion of her claim.

**Item 2** - For item #2 the landlord has claimed 50% of the \$101.08 gas bill for the September 22, 2014. I have reviewed the gas bill submitted in evidence which covers the period of August 21, 2014 to September 22, 2014. I find the landlord has met the burden of proof for the amount of **\$50.54** being claimed which is 50% of the total bill of \$101.08.

**Item 3** - The landlord is claiming for \$22.28 which is 50% of \$44.55 electricity bill for 15 days the tenant was in rental unit between September 17, 2014 and October 1, 2014. I have reviewed the electricity bill submitted in evidence in the amount of \$184.20 which covers a 62 day period between September 17, 2014 and November 17, 2014. I find the \$184.20 divided by 62 days is a per diem amount of \$2.97 per day and the per diem amount multiplied by 15 days equals \$44.55. As a result, I find the landlord has met the burden of proof for this portion of her monetary claim and is entitled to the amount of **\$22.28**, which is 50% of \$44.55.

**Item 4** – The landlord is claiming for 50% of the \$130.28 electricity bill that covers the period between July 17, 2014 and September 16, 2014. I have reviewed the electricity bill for \$130.28 that was submitted in evidence which is for the period between July 17, 2013 and September 16, 2014. As 50% of \$130.28 equals \$65.14 which is the amount the landlord is claiming for this portion of her claim, I find the landlord has met the burden of proof for this portion of her monetary claim and is entitled to the amount of **\$65.14**.

As the landlord's application had merit, I grant the landlord the recovery of the filing fee in the amount of **\$50**.

**Monetary Order** – I find that the landlord has established a total monetary claim in the amount of \$199.01 comprised of \$11.05 for item 1, \$50.54 for item 2, \$22.28 for item 3, \$65.14 for item 4, plus the \$50 filing fee. Given the above, I grant the landlord a monetary order pursuant to section 67 of the *Act* in the amount of **\$199.01**.

Conclusion

The landlord's application is successful.

The landlord has been granted a monetary order under section 67 in the amount of \$199.01. This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 30, 2015

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Residential Tenancy Branch

