



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for a Monetary Order for unpaid rent or utilities; and to recover the filing fee from the tenants for the cost of this application.

Service of the hearing documents, by the landlord to the tenants, was done in accordance with section 89 of the *Act*; served by registered mail on October 01, 2015. Canada Post tracking numbers were provided by the landlord in documentary evidence. The tenants were deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord appeared, gave sworn testimony, was provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenants, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order for unpaid utilities?

Background and Evidence

The landlord testified that this tenancy started on July 06, 2014 for a fixed term tenancy which was due to end on June 30, 2015. The tenants vacated the rental unit on March 31, 2015. Rent for this unit was \$1,500.00 per month and the city utilities namely electric and water, were in the tenants' names. The tenants provided a forwarding address on March 01, 2015.

The landlord testified that the tenants had been in arrears with their city utility bills. A final utility bill was left unpaid of \$1,193.95 for the period between September 04, 2014 and April 01, 2015. The landlord has provided a copy of this utility bill in her evidence package and this was sent to the tenants for payment on October 01, 2015. The tenants failed to pay this utility bill and the landlord was informed by the city that this amount will be recovered from the landlord by including it on her property taxes.

The landlord seeks a Monetary Order to recover the cost of this bill of \$1,193.95. The landlord also seeks to recover her filing fee of \$50.00 from the tenants.

Analysis

I have considered all the evidence before me and find the tenants did receive a copy of this utility bill from the landlord sent in the landlord's evidence package. The tenants were responsible for utilities as the bill shows the account was in the tenants' names. I am satisfied that the tenants have failed to pay their final account with the City and that this failure will result in the utility bill of \$1,193.95 being added to the landlord's property tax for this year.

Consequently, it is my decision that the landlord is entitled to recover the amount of **\$1,193.95** for this utility bill from the tenants and I have issued the landlord with a Monetary Order pursuant to s. 67 of the *Act*.

As the landlord's claim has merit I find the landlord is also entitled to recover the filing fee of **\$50.00** pursuant to s. 72(1) of the *Act*.

Conclusion

I HEREBY FIND in favor of the landlord's monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for **\$1,243.95**. The Order must be served on the respondents. Should the respondents fail to comply with the Order, the Order may be enforced through the Provincial (Small Claims) Court of British Columbia 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: April 14, 2016

Residential Tenancy Branch