



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MND, MNR, MNSD, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for a monetary order for unpaid rent, for unpaid utilities, for the cost of cleaning and repairs and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the claim. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

At the start of the hearing, the landlord informed me that he wished to withdraw his entire monetary claim except for the portion that is related to the cost of sewer as billed by the local municipality and for the recovery of the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order for the cost of sewer and for the recovery of the filing fee?

Background and Evidence

The tenancy started on September 01, 2015 and ended on August 31, 2016. The monthly rent was \$4,600.00 payable on the first of each month. A copy of the tenancy agreement and addendum was filed into evidence, by both parties.

During the hearing the landlord referred to the bill from the local municipality, for the cost of sewer. The terms of the tenancy agreement were discussed and the landlord agreed that there is no requirement in the tenancy agreement for the tenant to pay for the cost of sewer as billed to the landlord by the local municipality.

Analysis

The landlord agreed that the tenant is not responsible for the cost of sewer and therefore I dismiss the landlord's application for a monetary order to recover this cost from the tenant.

Since the landlord has not proven his claim, he must bear the cost of filing this application.

Conclusion

The landlord's application is dismissed.

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: March 01, 2017

Residential Tenancy Branch

