



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MNR

### Introduction

This hearing was convened by way of conference call concerning an application and an amended application made by the landlords seeking an Order of Possession for cause and a monetary order for unpaid rent or utilities.

One of the landlords attended the hearing, gave affirmed testimony and represented the other named landlord. However, the line remained open while the phone system was monitored for in excess of 10 minutes prior to hearing any testimony and no one for the tenant joined the call. The landlord testified that the tenant was personally served with the Landlord's Application for Dispute Resolution and notice of this hearing on May 5, 2017, and the amendment to the application for dispute resolution was personally served on the tenant on May 8, 2017, prior to filing it with the Residential Tenancy Branch on May 12, 2017. I am satisfied that the tenant has been served in accordance with the *Residential Tenancy Act*.

During the course of the hearing the landlord testified that the tenant has vacated the rental unit and the application for an Order of Possession is withdrawn. The landlord also testified that the application for a monetary claim for unpaid rent is withdrawn, but not for unpaid utilities.

### Issue(s) to be Decided

The issue remaining to be decided is:

- have the landlords established a monetary claim as against the tenant for unpaid utilities?

### Background and Evidence

The landlord testified that this month-to-month tenancy began on September 1, 2014 and the tenant vacated the rental unit on May 16, 2017. Rent in the amount of \$850.00 per month was originally payable on the 1<sup>st</sup> day of each month under the tenancy agreement,

and was increased to \$875.00 each month effective September 1, 2016. At the outset of the tenancy the landlords collected a security deposit from the tenant in the amount of \$475.00 which is still held by the landlords, and no pet damage deposit was collected. The rental unit is a basement suite and the landlords reside in the upper level of the home.

The landlord further testified that the tenancy agreement, a copy of which has been provided as evidence for this hearing, specifies that the tenant's portion of the hydro bills is 30% and the tenant failed to pay the amount of \$301.85. A copy of that hydro bill has been provided.

### Analysis

I have reviewed the tenancy agreement and the hydro bill. I accept the undisputed testimony of the landlord that the tenant failed to pay the tenant's portion of it and I find that the landlords have established a claim in the amount of \$301.85 for unpaid utilities.

Since the landlords have been partially successful with the application the landlords are also entitled to recovery of the \$100.00 filing fee.

### Conclusion

For the reasons set out above, I hereby grant a monetary order in favour of the landlords as against the tenant pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$401.85.

This order is final and binding and may be enforced.

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: June 07, 2017

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Residential Tenancy Branch