



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for a monetary order for unpaid utilities and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The tenant testified that she had served her evidence package by registered mail on March 29, 2018 and filed a tracking slip. The landlord stated that he did not receive the tenant's evidence. Upon tracking the package online, as of April 11, 2018, the package was awaiting pick up by the landlord. Residential Tenancy Policy Guideline No. 12 provides that, where a document is served by registered mail, the refusal of the party to either accept or pick up the registered mail, does not override the deemed service provision. Where the registered mail is refused or deliberately not picked up, service continues to be deemed to have occurred on the fifth day after mailing.

Based on the tenant's evidence and pursuant to section 89 and 90 of the *Act*, I find that the landlord has been deemed served with the tenant's evidence package on April 03, 2018, 5 days after the mailing of the package. The tenant acknowledged having received the landlord's evidence. Both parties gave affirmed testimony.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid utilities and the filing fee?

Background and Evidence

The tenancy started on January 01, 2017. The monthly rent was \$1,500.00 payable on the first of each month and did not include utilities. The tenant was paying the hydro bill in equal monthly payments of \$312.00 to the landlord. The tenant agreed that she owed the landlord \$312.00 for the month of January 2018.

The landlord sold the rental property and the new landlord took over effective January 13, 2018. The landlord filed hydro bills showing the amount owed as of January 13, 2018 was \$572.24. The landlord is claiming this amount plus \$312.00 that the tenant agreed she owed for a total of \$884.24 plus the filing fee of \$100.00.

Analysis

Based on the testimony of both parties and the hydro bills filed into evidence by the landlord, I find that at the end of tenancy, the tenant owed the utility company a total of \$572.24 to cover her usage up to January 13, 2018. In addition the tenant agreed that she owed the landlord one payment of \$312.00. Therefore I find that the landlord has established a claim of \$884.24. Since the landlord has proven his claim he is therefore also entitled to the recovery of the filing fee of \$100.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$984.24. This order may be filed in the Small Claims Court and enforced as an order of that Court.

In regards to the tenant's claims relating to loss that she may have suffered, I am not able to neither hear nor consider the tenant's claim during these proceedings as this hearing was convened solely to deal with the landlord's application.

Conclusion

I grant the landlord a monetary order in the amount of **\$984.24**.

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 12, 2018

Residential Tenancy Branch