



# 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 as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on January 24, 2019. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for unpaid rent or utilities.

The Landlord provided testimony at the hearing. The Tenants did not attend the hearing.

The Landlord testified that he sent a copy of the Notice of Hearing, amendment, along with supporting documentary evidence to each of the Tenants on November 7, 2018, by registered mail. The Landlord provided a copy of the registered mailing tracking information. The Landlord sent these packages to the rental unit but noted that they were all unclaimed and returned to him. I note that failure to pick up registered mail is not a ground for review. Pursuant to section 88 and 90 of the Act, I find the Tenants are deemed to have received these packages on November 12, 2018, the fifth day after their registered mailing. The Landlord stated that the Tenants continue to reside at the rental unit.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issues to be Decided

1. Is the Landlord entitled to a monetary order for unpaid rent or utilities?

### Background and Evidence

The Landlord stated that he sold the rental unit, effective October 1, 2018, and he is seeking to recover rent for the last month (September 2018), and also water utility bills for the last few months while he was still an owner. The Landlord stated that monthly rent was \$2,132.00 and was due on the first of the month. The Landlord stated that he does not hold the security deposit, as that was transferred to the new owners of the rental unit.

The Landlord is also looking to recover \$488.77 for two unpaid water bills. The Landlord stated that the Tenancy Agreement clearly shows that the Tenants are responsible for the utilities, yet they never paid the water bill towards the end of the time while he was an owner. The Landlord stated he became aware of the unpaid water bills when he went to sell the house. The Landlord provided a copy of one of the bills, plus a statement from his lawyer regarding the amounts he paid for the second bill.

### Analysis

Based on the unchallenged testimony and documentary evidence, and on a balance of probabilities, I find as follows:

Section 26 of the *Act* confirms that a Tenant must pay rent when it is due unless the Tenant has a right under the *Act* to deduct all or a portion of rent.

With respect to the Landlord's request for a Monetary Order for unpaid rent and utilities, I find there is sufficient evidence from the Landlord's undisputed documentary evidence and testimony before me to demonstrate that the Tenants owe and have failed to pay \$2,132.00 in rent for September 2018. I also find there is sufficient evidence to show the Tenants owe, and have failed to pay two different water utility bills totalling \$488.77.

Further, section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. Since the Landlord was successful in this hearing, I also order the Tenants to repay the \$100.00 fee the Landlord paid to make the application for dispute resolution.

In summary, I grant the monetary order based on the following:

<b>Claim</b>	<b>Amount</b>
Unpaid rent: September of 2018	\$2,132.00
Unpaid water utilities	\$488.77
Filing Fee	\$100.00
<b>TOTAL:</b>	<b>\$2,720.77</b>

### Conclusion

The Landlord is granted a monetary order pursuant to Section 67 in the amount of **\$2,720.77**. This order must be served on the Tenants. If the Tenants fail to comply with this order the Landlord may file the order in the Provincial Court (Small Claims) and be enforced 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: January 25, 2019

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Residential Tenancy Branch