



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Decision Codes: FFL, MNDL-S

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. A monetary order in the sum of \$3672.85 for unpaid utilities.
- b. An order to recover the cost of the filing fee

The tenant(s) failed to appear at the scheduled start of the hearing which was 9:30 a.m. on May 23, 2019. Two representatives of the landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The representatives of the landlord were given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

The owner of the rental property passed away approximately 3 years ago. The Agents produced evidence that PC and HB were the Executors of the Estate of the owner who passed away and that they had appointed the Applicant to act on their behalf.

I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was personally served on the Respondent on April 6, 2019. With respect to each of the applicant's claims I find as follows:

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The Respondent entered into an oral tenancy agreement with the Executors of the Estate of the Deceased that provided that the tenancy would start on January 1, 2018 and continue on a month to month basis. The tenancy agreement provided that the tenant(s) would pay rent of \$500 per month payable in advance on the first day of each month. The tenant was also

responsible to pay ½ of the hydro and Fortis gas bill and 100% of the Telus bill for internet and cable. He also had duties relating to maintaining the property. The tenant did not pay a security deposit.

The tenant vacated the rental unit on or about April 15, 2019. He still has belongings in the barn which he has not yet removed.

Monetary Order and Cost of Filing fee

With respect to each of the landlord's claims I find as follows:

- a. I determined the landlord has established a claim against the tenant in the sum of \$1150.27 which is ½ of the Fortis Gas bills for the period February 15, 2018 to February 15, 2019.
- b. I determined the landlord has established a claim against the tenant in the sum of \$817.55 for ½ of the B.C. Hydro bills for the period January 26, 2018 to January 25, 2019.
- c. I determined that landlord has established a claim in the sum of \$1705.03 for 100% of the Telus bill plus GST and PST which is for internet and cable service for the bills from February 4, 2018 to February 4, 2019. .

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$3672.85 plus the \$100 filing fee for a total of \$3772.85.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is final and binding on the parties.

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: May 23, 2019

Residential Tenancy Branch