



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD

Introduction

Some documentary evidence, photo evidence, and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on May 15, 2012, however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$668.97 and a request to retain a portion of the security/pet deposit towards the claim. The applicant is also requesting recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began in 2011 and ended on April 30, 2012.
- A move-in inspection report was done at the beginning of the tenancy; however the move-out inspection was not completed.

- The tenants failed to pay their gas and electric utility bills for the months of March and April 2012 and as a result she has had to pay them.
- There was also a part missing off the hot water tank at the end of the tenancy and as a result it had to be replaced.

The applicant is therefore requesting an order as follows:

| | |
|--------------------------------------|----------|
| March gas utility outstanding | \$146.61 |
| March electrical utility outstanding | \$187.12 |
| April electrical utility outstanding | \$173.56 |
| Replace missing hot water tank part | \$194.10 |
| Filing fee | \$50.00 |
| Total | \$848.84 |

Analysis

It is my finding that the landlord has shown that the tenants failed to pay their March and April gas and electric utility bills and therefore I allow that portion of the landlords claim.

I deny however the landlords claim for replacing a missing hot water tank part; because the landlord has provided no evidence to show that this part was in the rental unit at the beginning of the tenancy. The landlord claims to have done a move-in inspection report, however a copy of that report was not supplied to this hearing.

I will allow the request for recovery of the \$50.00 filing fee.

Therefore the total amount of the claim that I have allowed is as follows:

| | |
|--------------------------------------|----------|
| March gas utility outstanding | \$146.61 |
| March electrical utility outstanding | \$187.12 |
| April electrical utility outstanding | \$173.56 |
| Filing fee | \$50.00 |
| Total | \$654.74 |

Conclusion

I have allowed \$654.74 of the landlords claim and therefore I order that the landlord may retain \$654.74 of the tenant's security/pet deposit, and the remaining \$490.26 must be returned to the tenants.

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: July 16, 2012.

Residential Tenancy Branch