



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *MNDC, MNR, FF*

### **Introduction**

This hearing dealt with applications by both the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for a monetary order for unpaid utilities, costs of cleaning and for the filing fee. The tenant applied for a monetary order for compensation for the loss of his personal property and health issues that resulted from a collapsed ceiling in the rental unit and for the filing fee.

The landlord served the notice of hearing and an evidence package by registered mail and filed tracking numbers for both packages. Despite having applied for dispute resolution, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions. Since the tenant did not attend this hearing, his application is dismissed without leave to reapply.

During the hearing the landlord agreed to withdraw his claim for cleaning costs. Therefore this hearing only dealt with the landlord's claim for unpaid utilities and the filing fee.

### **Issues to be decided**

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

### **Background and Evidence**

The landlord testified that the tenancy started on February 01, 2011 and ended on February 05, 2012. The tenant moved out due to the problems associated with the repair of a collapsed roof. The tenant had not paid utilities in the amount of \$76.28. The landlord filed a copy of the outstanding utility bill.

**Analysis**

Based on the sworn testimony of the landlord and in the absence of any contradictory evidence, I accept the landlord's evidence in respect of the claim. I find that the landlord is entitled to his claim in the amount of \$76.28 for unpaid utilities. Since the landlord has proven his claim, he is also entitled to the recovery of the filing fee.

Overall, the landlord has established a claim for \$126.28. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

**Conclusion**

I grant the landlord a monetary order in the amount of **\$126.28**.

The tenant's application is dismissed in its entirety.

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: November 08, 2012.

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Residential Tenancy Branch

