



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD, MNR

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord(s). Both files were to be heard together; however the tenants did join the conference call that was scheduled for the hearing and therefore their application has been dismissed without leave to reapply.

The landlord's application is a request for a monetary order for \$3679.64 in outstanding utilities and a request for recovery of the \$50.00 filing fee.

The landlord testified that the tenants were served with notice of the hearing by hearing package by registered mail that was mailed on December 15, 2015 however, as stated above, the tenants did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the tenants have been properly served with notice of the hearing and I therefore conducted the hearing on the landlord's application in the tenant's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not the landlord has established monetary claim for outstanding utilities, and if so in what amount.

Background and Evidence

This tenancy began on May 1, 2013 with a monthly rent of \$3000.00 and a requirement for the tenants to pay 75% of the utilities.

The tenants paid a security deposit of \$1500.00, and the pet deposit of \$500.00 on may first 2013.

During the tenancy the tenants 75% portion of the utilities from May 1, 2013 to the end of the tenancy on November 30, 2014 total as follows:

Fortis Gas	\$985.81
Alarm system	\$200.50
BC Hydro	\$3231.81
Total	\$4418.12

Landlord testified that the tenants paid some of the utilities by check but only the following amounts:

August 15, 2013 Hydro, Fortis gas and alarm	\$313.12
August 15, 2013 Fortis gas	\$33.04
July 8, 2014 Hydro and Fortis gas	\$126.56
September 1, 2014 Hydro and Fortis gas	\$265.76
Total	\$738.48

The landlord therefore argues that the tenants still owe a total of \$3679.64 that she therefore requests an order allowing her to keep the full security deposit and pet deposit towards the claim and request that a monetary order be issued for the difference.

The landlord further stated that she discovered an error in the amounts of her outstanding utility bills, and in fact the amount outstanding for the October BC Hydro Bill was \$440.43 and not \$47.70 as she had stated in her application.

Analysis

I have reviewed the evidence supplied by the landlord and it is my finding that the landlord has established the tenant's portion of the utilities is as follows:

Fortis gas utility outstanding	\$928.24
Alarm system, 19 months times \$10.50	\$199.50
BC Hydro utility	\$3184.11
Total	\$4311.85

I have reduced the amount of the Fortis Gas outstanding amount by \$57.57 because the landlord did not supply an invoice for the period of November 4, 2014 through November 30, 2014.

I have also reduced the amount of the BC Hydro utility by the amount of \$47.70 for the period of October 8, 2014 through November 30, 2014, because again the landlord has failed to supply an invoice for that period.

The landlord also stated that the portion of the alarm system that was being billed to the tenants was \$10.50 per month, and therefore over the 19 month tenancy the total was \$199.50 and not \$200.50 as claimed by the landlord.

I understand that the landlord did not have the final invoices for Hydro or Fortis gas when she applied for dispute resolution, however in the absence of those invoices I am

unwilling to issue any order for those billing cycles. If the landlord still wishes to pursue the outstanding amounts for those billing cycles she is at liberty to do so on a new application for dispute resolution.

Therefore as stated above the tenants portion of the utilities I have allowed is \$4311.85 and therefore since the tenants have paid \$738.48 of those utilities I order that the tenants owe the difference of \$3573.37.

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

Conclusion

I have allowed \$3623.37 of the landlords claim and I therefore Order the landlord may retain the full security/pet deposit totaling \$2000.00, and I have issued a monetary order in the amount of \$1623.37.

I further order that the landlord is at liberty to reapply for any utilities still outstanding on invoices that were not available when she applied for dispute resolution.

As stated previously the tenant's application has been dismissed in full without leave to reapply.

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 20, 2015

Residential Tenancy Branch

