



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: MNDC, FF, O

Introduction:

This hearing dealt with an application by the landlord for a money order to recover costs incurred in ending a tenancy.

Issues to be Decided

Whether the landlord is entitled to recovery of costs incurred in ending the tenancy?

Background and Evidence

On August 12, 2008, the landlord was granted an order of possession by the Residential Tenancy Branch. On August 18, the landlord served the tenant with this order of possession. On August 20, the tenant made an application for leave for review. On August 28, the tenant's application was dismissed. On the same day, the bailiff, with instructions from the landlord, phoned the tenant. They had a conversation during which the bailiff informed the tenant that her application for leave for review was denied. They also discussed about the tenant moving out that weekend and storing her possessions in a storage facility. The tenant did not move out from the rental unit. On September 2, the bailiff executed a writ of possession from the Supreme Court of British Columbia and moved all of the tenant's possessions into a storage unit.

Analysis

The landlord is seeking to recover costs incurred in ending the tenancy. These costs are: court costs for \$111.00 and bailiff costs for \$3158.24 and they are supported by invoices and receipts submitted by the landlord.

The tenant said that on September 2, she was not aware that her application for leave for review was dismissed by the Residential Tenancy Branch. I do not find her assertion in this regard to be credible. She admitted that on August 28, the bailiff did inform her of such a decision but she did not believe it. She was hesitant in replying to the question as to whether she had confirmed this information with the Residential Tenancy Branch. Furthermore, on September 2, she was present at the Court attempting to set aside the writ of possession. Based on the above, I find that the tenant was fully aware of her obligation to comply with an order of possession and failed to do so.

I find that the landlord is entitled to recovery of costs incurred in ending the tenancy.

Conclusion

I find that the landlord has established a claim for a total of \$3269.24 comprised of courts costs in the amount of \$111.00 and bailiff costs in the amount of \$3158.24. The landlord is also entitled to recovery of the \$50.00 filing fee. Pursuant to section 67, I grant the landlord a monetary order for \$3319.24. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 28, 2008.