

Dispute Resolution Services

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

Decision

Dispute Codes: MNDC, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order. The tenant telephoned in to the conference call hearing but protested that he did not speak English, required the services of an interpreter and asking that one be provided for him. The tenant was advised that he was responsible to provide an interpreter and the hearing proceeded.

Issue(s) to be Decided

Is the landlord entitled to a monetary order as requested?

Background and Evidence

The landlord provided evidence that a bailiff was hired at a total cost of \$1,582.34 to evict the tenant when he failed to comply with an order of possession which was served on him in March 2007 and was effective 48 hours after service. The landlord provided a copy of the invoice rendered by the bailiff.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant is responsible for the cost of the bailiff and for the filing fee paid to bring this application. The tenant was ordered to surrender vacant possession of the rental unit within 48 hours of having been served with the order of possession and chose not to do so. Had the tenant complied with the order of possession, the landlord would not have incurred the cost of the bailiff, which was the only legal means available to the landlord to enforce the order of possession. The tenant must therefore bear the cost of the eviction by the bailiff.

I note that while the tenant was unable to participate fully in the hearing due to the language barrier, he was served with the application for dispute resolution and notice of

hearing by registered mail on December 31, 2008 and had ample opportunity to seek assistance in understanding the claim being made against him and to present documentary evidence in rebuttal. The tenant chose not to submit any evidence to refute the claim. I am satisfied that the tenant was given opportunity to respond to the claim and to obtain the assistance of an interpreter if so required.

Conclusion

I grant the landlord an order under section 67 for \$1,632.34 which represents the cost of the bailiff and the filing fee paid to bring this application. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 30, 2009.