



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION AND REASONS

### Dispute Codes:

**MNDC, PSF**

### Introduction

This hearing was reconvened in response to the tenant's Application for Dispute Resolution, in which the tenant made an application for a monetary Order for loss or damages due to a breach of the Act by the landlord. An interim decision was issued on June 22, 2009.

Both parties were present at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, as outlined in the interim decision issued on June 22, 2009. The parties were reminded that they continued to be under oath.

### Preliminary Matter

The tenant testified that he did submit some evidence outlining \$500.00 in costs incurred. The Residential Tenancy Branch received one page of late evidence on July 28, 2009. This evidence consisted of the first page of a Notice to End Tenancy for Cause issued by the landlord on June 17, 2009. There is no evidence that the tenant submitted any other evidence five days prior to this hearing; as directed in the June 22, 2009 decision. The landlord testified that she did not receive any evidence and the tenant did not provide any testimony as to evidence served to the landlord.

The landlord stated that the application did not include her correct first name. The application for dispute resolution has been amended to change the landlord's first name.

### Issue(s) To Be Decided

Is the tenant entitled to compensation for damage or loss for costs incurred between June 14, 2009 and July 31, 2009?

### Background and Evidence

The interim decision issued on June 22, 2009 determined that the tenant is entitled to a monetary Order for loss in the sum of \$1,200.00. In that decision I also Ordered that

the tenancy end effective July 31, 2009 as the result of an Order made to vacate issued by The City of Nanaimo.

This reconvened hearing was scheduled to allow the tenant to submit evidence of any costs incurred as a result of my Order issued on June 22, 2009 directing the tenant to immediately vacate the rental unit due to the potential danger to his life. During this hearing the tenant testified that he has continued to reside in the rental unit and can not afford to move.

### Analysis

In the absence of any evidence supporting an additional monetary claim for costs incurred by the tenant between June 14 and July 31, 2009 I find that the tenant has failed to satisfy me of any expenditures made as a result of his forced move from the rental unit that was to be effective immediately upon receipt of my June 22, 2009 decision. During the hearing the tenant confirmed receipt of that decision.

No further monetary claim is supported or will be made, in relation to the tenant's current application for dispute resolution, beyond that issued in my June 22, 2009 decision. In fact, the tenant has remained in the rental unit, despite my Order that he not reside at the rental unit, with leave to attend the unit only should a pet require attention or for retrieval of his personal property. I have no evidence before me that the tenant has requested a review of my June 22, 2009 decision.

Therefore, I find that an Order of possession to the landlord is required to ensure that the tenant vacates the rental unit as determined in my interim decision issued on June 22, 2009 and as a result of an Order to vacate made by government. My previous Order to vacate the rental unit is made under the authority of section 55(3) of the Act which provides a dispute resolution officer with the authority to grant an Order of possession. Further, section 62(3) of the Act provides a dispute resolution officer with the authority to make any order necessary to give effect to the rights, obligations and prohibitions under this Act, including an order that a landlord or tenant comply with this Act.

### Conclusion

The tenant has not provided any evidence to support a claim for costs incurred between June 14 and July 31, 2009; therefore the tenant is not entitled to any compensation for that period of time.

I have issued an Order of possession that is effective immediately after it is served upon the tenant. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I have previously found that the tenant has established a monetary claim, in the amount of \$1,200.00, which is comprised of damages and losses incurred and I grant the tenant a monetary Order in that amount. In the event that the landlord does not comply with

this Order, it may be served on the landlord, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Dated July 31, 2009.

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Dispute Resolution Officer