



Dispute Resolution Services

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

Decision

Dispute Codes: MND MNR FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and monetary compensation for damage or loss under the Act, regulation or tenancy agreement. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on May 28, 2009, the tenant did not participate in the conference call hearing.

In the hearing, the landlord sought to amend their application based on additional evidence submitted one day prior to the hearing. The landlord submitted a copy of the additional evidence to the tenant by fax to the tenant's father's fax number. As the landlord did not serve the tenant with the additional evidence in a manner prescribed by the Act and the tenant did not attend the hearing and confirm receipt of the additional evidence, I therefore did not admit or consider the additional evidence in reaching my decision in this matter. Further, I decline to amend the landlord's application to include the additional monetary claims.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts as claimed in the original application?

Background and Evidence

The landlord's claim is based on unpaid rent for April 2009 and for damages caused to the rental house as a result of a marijuana grow-op that the tenant operated in the rental house. The landlord provided documentary evidence to establish the investigations of the RCMP and the Public Safety Inspection Team into the grow-op, the public safety

inspector's orders for action by the landlord, and receipts for the cleaning and testing done.

The landlord has claimed \$756 for rental arrears for April 2009 and \$4412.17 for cleaning and testing. That amount includes a claim for \$2310 (including the GST) for an air test. The public safety inspector's orders did not require an air test. The landlord did not provide any other supporting evidence to establish that an air test was required.

Analysis

I accept the landlord's evidence regarding the unpaid rent of \$756. I also accept the landlord's claim regarding cleaning and testing, except in regard to the air test. I find that the landlord has not provided adequate evidence to establish that the air test was required, and I therefore dismiss that portion of the landlord's claim, and grant the balance of the claim in the amount of \$2102.17. The landlord is also entitled to recovery of the \$50 filing fee, for a total of \$2908.17.

Conclusion

I grant the landlord an order under section 67 for the balance due of \$2908.17. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 15, 2009.