



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes MNR, MNDC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on July 03, 2009. Mail receipt numbers were provided in the landlord's documentary evidence. The tenant was deemed to be served the hearing documents on July 08, 2009, the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord appeared, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

### Issues(s) to be Decided

This is a request for a monetary order for \$4,144.22, for unpaid rent and damages and a request for an order for the respondent to bear the cost of the filing fee paid for this application.

### Background and Evidence

This tenancy started on January 25, 2009. Rent for this unit was \$800.00 per month due on the 1<sup>st</sup> of each month. At a previous hearing held in May, 2009 a decision was made by a Dispute Resolution Officer for an Order of Possession. At the previous hearing the landlord was given leave to reapply for unpaid utility bills. The landlord seeks \$800.00 for unpaid rent for June, 2009 as the tenant did not comply with the previous Order of Possession and remained in the

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rental unit until June 23, 2009. The landlord has provided a utility bill for BC Hydro for May 26, 2009 to June 23, 2009. The tenants 30% share of this bill is \$14.47. The landlord has also provided Terasen Gas bills for February, March, April, May and June, 2009. Her 30% share of these bills totals \$601.99. The landlord has also provided a city water and sewage bill for January to March, 2009 and the tenants 30% share of this is \$146.33

As the tenant did not comply with the previous Order of Possession and overstayed at the rental unit, the landlord has incurred costs filing this order in the Supreme Court of British Columbia to an amount of \$111.00 and the costs for a bailiff ordered by that court at a sum of \$1,991.99.

The landlord has also applied to recover his travelling time and expenses in dealing with this matter of \$420.00.

## Analysis

I find that the landlord has established his claim for unpaid rent for June, 2009. I also find the landlord has now accurately calculated and verified the tenants' utility.

The landlord was given an Order of Possession which the tenant ignored and the landlord had to take additional steps in order to ensure the tenant vacated the rental unit. This cost has also been verified. Therefore, I find the landlord is entitled to recover his costs for this action.

As for the landlords traveling expenses, I find he has not provided sufficient evidence to support this section of his claim. He has not provided any receipts or travel log detailing the claim.

Therefore, this section is dismissed without leave to reapply.

As the landlord has been largely successful with his claim he is entitled to recover the \$50.00 fee for filing his application. A monetary Order has been issued for the following amount:

|                            |          |
|----------------------------|----------|
| Rent arrears for June 2009 | \$800.00 |
| Supreme Court costs        | \$111.00 |



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|                                  |            |
|----------------------------------|------------|
| Bailiff costs                    | \$1,991.99 |
| Filing fee                       | \$50.00    |
| Total amount due to the landlord | \$3,715.78 |

## Conclusion

I HEREBY FIND in partial favor of the landlord's monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for **\$3,715.78**. The order must be served on the respondent and is enforceable through the Provincial Court as an order of that Court.

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: October 16, 2009.

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Dispute Resolution Officer