

Decision

Dispute Codes: MNDC O

Introduction

This is the Tenant's application for a Monetary Order for compensation for damage or loss.

Preliminary Matters

This application was adjourned from April 12, 2010, on the Tenant's application for an adjournment. Notices of the reconvened Hearing were sent to the address for service of both parties. This matter was scheduled to be heard via teleconference on June 1, 2010 at 10:30 a.m. At 10:40 a.m., the Landlord had not yet signed into the teleconference and the Hearing proceeded in its absence.

The Tenant gave affirmed testimony at the Hearing.

Issue(s) to be Decided

Is the Tenant entitled to compensation for damage or loss, pursuant to the provisions of Section 67 of the Residential Tenancy Act (the "Act")?

Background and Evidence

The Tenant gave the following testimony:

The Tenant parked a car in a parking stall designated for visitors only, which was subsequently towed away at the request of the Landlord. The towing bill was \$132.59,

and the Tenant seeks to recover the cost from the Landlord. The Tenant provided a copy of the towing bill in evidence.

The Tenant testified that the car belonged to a family member who was visiting the Tenant at the rental unit. The Tenant testified that she does not own a car, and that she drives the family member's car when he comes for a visit. She stated that she rarely parks the car in the visitor's spot and estimated that she has done so only three times.

The Tenant testified that she did not receive any written warning from the Landlord with respect to parking her family member's car in the visitor's space.

The Tenant testified that she is moving out of the rental unit in the near future.

Analysis

Based on the undisputed testimony of the Tenant, I find that the Landlord towed the Tenant's guest's car without the authority of the Tenant, or the right to do so, and that the Tenant suffered a loss as a result of the Landlord's actions. The Tenant provided documentary evidence to support her claim in the amount of \$132.59, and I hereby provide the Tenant with a monetary claim in that amount.

Conclusion

Pursuant to the provisions of Section 67 of the Act, I hereby grant the Tenant a Monetary Order in the amount of \$132.59 against the Landlord. This Order must be served on the Landlord and may be filed in the Provincial Court of British Columbia (Small Claims) and enforced 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.

June 10, 2010