



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MND, MNDC, MNR, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order. The landlord presented evidence showing that the tenant had been served with the application for dispute resolution and notice of hearing by registered mail on June 8, 2010. The package was returned to the landlord unclaimed. The tenant cannot avoid service by neglecting to collect registered mail. I found that the tenant had been properly served with notice of the claim and the hearing proceeded in her absence.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed testimony is as follows. As a result of a previous dispute resolution proceeding, the landlord was granted a monetary order for unpaid rent and an order of possession effective June 1, 2008. The tenant did not vacate the unit pursuant to the order of possession and the landlord had to apply at the Supreme Court for a writ of possession. The tenant vacated the rental unit on August 1, 2008, approximately one hour before a bailiff was scheduled to remove her. The tenant did not clean the rental unit or carpet prior to vacating the rental unit and upon inspecting the unit, the landlord discovered that the unit had to be repainted as there were numerous scratches, the tenant had taken a curtain rod and the smoke detector, a track

light, deadbolt, shower head and electrical plate were broken, a large hole was in a wall, and garbage had been left behind.

The landlord presented evidence showing the costs she had incurred cleaning and repairing the rental unit. The landlord testified that because the tenant did not vacate the unit until August 1, she was unable to re-rent the unit for the month of August despite her best efforts to do so. The landlord testified that she incurred court charges for filing for the writ of possession in July 2008 and further charges in January 2009 when she filed the monetary order she had previously been awarded for enforcement in Small Claims Court. The landlord testified that the rental unit was new when the tenancy began in October 2007 and that the tenant had been the first person to ever live in the unit. The landlord's claim is detailed below:

August loss of income	\$ 900.00
Photocopy and postage costs	\$ 32.40
Court costs for filing for the writ of possession	\$ 111.00
Court costs for enforcing the monetary order	\$ 21.00
Curtain rod	\$ 11.19
Shower head	\$ 14.20
Track lighting	\$ 22.13
Paint	\$ 343.34
Painting supplies	\$ 83.14
Deadbolt	\$ 13.43
Electrical plate	\$ 1.55
Wall patch and smoke alarm battery	\$ 13.82
Smoke alarm	\$ 16.94
Carpet cleaning	\$ 125.00
Garbage removal	\$ 18.00
Cleaning	\$ 335.00
Filing fee	\$ 50.00
Total:	\$2,112.14

Analysis

I accept the landlord's undisputed testimony and I find that the tenant caused the landlord to lose income in the month of August and incur costs for filing for a writ of possession and cleaning and repairing the rental unit. I accept the landlord's claim with

several exceptions. The claim for \$32.40 in photocopy and postage fees is dismissed as the Act restricts recovery of litigation-related expenses to the filing fee paid to bring an application for dispute resolution. The claim for \$21.00 in court costs to file the previous monetary order in Small Claims for enforcement is dismissed as that cost is recoverable through Small Claims. I grant the remainder of the landlord's claim and I award the landlord \$2,058.74.

Conclusion

The landlord is awarded \$2,058.74. I grant the landlord a monetary order under section 67 for that sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Dated: October 20, 2010

Dispute Resolution Officer