

DECISION

Dispute Codes MND, MNR, MNDC, FF

Introduction

This is an application by the Landlord for a monetary order for damage to the unit, money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and the recovery of the filing fee.

The Landlord appeared by conference call and gave undisputed affirmed testimony.

The Tenant did not attend.

Issues(s) to be Decided

Is the Landlord entitled to a monetary order for damage to the unit?

Is the Landlord entitled to a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement?

Background and Evidence

The Landlord personally served the hearing documents on the Tenant on August 30, 2010. This tenancy started on January 20, 2010 on a fixed term until January 31, 2011. A signed tenancy agreement was made and a monthly rent of \$2,250.00 was payable on the 1st of each month. A security deposit was made on January 19, 2010 of \$1,125.00. The Landlord is claiming \$6,750.00 for rent arrears for the months of June, July and August. The Landlord is claiming \$112.00 for a Supreme Court Service fee for enforcement proceedings. A new access fob for \$20.00 that the Landlord needed to replace because the Tenant failed to return the access fob and keys to the rental unit. Court Bailiff fees from Active Bailiff Service Ltd. of \$3,184.00 to carry out the enforcement of the Court Order. Professional cleaning costs for the rental unit of \$250.00 and Mirror doors on the fireplace panel for \$347.00.

The Landlord has withdrawn their claims for carpet replacement of \$4,166.40 and rent arrears for September of \$2,250.00.

The Landlord is also claiming a B.C. Hydro cost of \$320.65, a plumbing cost for \$89.00 and 2 new sets of keys for \$200.00. All of these claims are unsubstantiated as the Landlord has not submitted any evidence of receipts or invoices.

The Landlord is making a claim for a small claims filing fee of \$31.00, residential tenancy document filing fee of \$50.00, 2 invoices from the Landlord's assistant for watching the rental unit on two days for \$80.00 and \$150.00, an invoice from the concierge of the rental unit for \$167.00 for surveillance on the Tenant. These are costs associated with the litigation of this claim.

The Landlord states that damage was caused to the rental unit. Specifically, painting and fixing all walls for \$730.00 were required. No move-in or move-out inspection reports or any evidence to establish a claim have been provided. No pictures or descriptions of any damage submitted.

Analysis

Based on the facts above, I am satisfied that the Landlord has properly served the Tenant with the hearing documents. I find that the Landlord has established a claim for the following:

June, July and August Rent Arrears @ \$2,250.00/month	\$6,750.00
Supreme Court of B.C. Enforcement Proceeding Fee	\$112.00
New Access FOB	\$20.00
Active Bailiff Service Ltd. Court Order Enforcement	\$3,184.00
Professional Cleaning Costs	\$250.00
Capilano Glass & Sceens Ltd. Mirror Door Replacement	\$347.00
Total Costs Recoverable	\$10,663.00

Residential Tenancy Branch Filing Fee Recovery Awarded	\$100.00
Total Awarded in Monetary Order to Landlord	\$10,763.00

I find that all other costs submitted by the Landlord to be either without evidence to support them or non-recoverable costs associated with the litigation of this application and as such dismiss them.

The Landlord has established a claim for \$10,663.00. The Landlord is also entitled to recovery of the \$100.00 filing fee. I grant the Landlord an order under section 67 for the balance due of \$10,763.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$10,763.00.

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: November 04, 2010.

Dispute Resolution Officer