



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNSD MNDC FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. However, the landlord stated that the tenant did not pay a damage deposit, and I accordingly dismissed that portion of the landlord's application.

On January 20, 2011 the landlord served the tenant with the application for dispute resolution and notice of hearing by registered mail at the forwarding address that the tenant provided to the bailiff at the time that the bailiff removed the tenant. Despite service of notice of the hearing, the tenant did not participate in the conference call hearing.

### Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

### Background and Evidence

The tenancy began on September 1, 2008. Rent in the amount of \$400 was payable in advance on the first day of each month. The tenant failed to pay rent in the month of December 2008 and the landlord served the tenant with a notice to end tenancy for unpaid rent. The tenant did not pay the outstanding rent, and the landlord applied for and received an order of possession. The tenant unsuccessfully applied for a review of the decision granting the order of possession. The landlord enforced the order of possession with the services of a bailiff on January 4, 2011.

After the tenant was removed from the rental unit, the landlord carried out extensive cleaning and repairs to the unit. The landlord was then able to re-rent the unit on February 1, 2011. The landlord provided photographs and receipts to support his monetary claim of \$3367.28.

Analysis

I reviewed the photographic and documentary evidence and I am satisfied that the landlord is entitled to all of the amounts claimed except for \$143 claimed for the landlord's time and travel expenses to travel to court to enforce the order of possession. Parties are not entitled to recovery of their costs related to the dispute resolution process, aside from recovery of the filing fee for the cost of their application.

Conclusion

The landlord is entitled to a total claim of \$3224.28. The landlord is also entitled to recovery of the \$50 filing fee. I grant the landlord an order under section 67 for the balance due of \$3274.28. This order may be filed in the Small Claims Court 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*.

Dated: February 28, 2011.

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Residential Tenancy Branch