



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes FF, MNR, MND

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on November 9, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$8,310.65 and a request for recovery of the \$100.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant stopped paying rent in November of 2008.
- In December of 2008 he found the rental unit had been abandoned.
- He followed the rules for abandonment of property set out in the manufactured home park regulations including publishing a notice in the paper however the tenant made no claim for the mobile home.

- Since the mobile home had been allowed to freeze up in the winter it was basically destroyed and had no marketable value.
- As the home a had no marketable value, he disposed of the manufactured home.
- The tenant also left junk and garbage strewn across the whole 1 1/2 acre property and it took him 30, 8 hour days to remove all that junk.
- Because the tenant had allowed the property to freeze up, he also had to do repairs to the well.
- He also lost 6 months rental revenue in the time it took to dispose of the manufactured home and clean up the property.

The applicant is therefore requesting an order as follows:

Disposal of manufactured home	\$960.00
Garbage removal 240-Hrs X \$20.00	\$4800.00
Lost rental revenue 6 X \$350.00	\$2100.00
Repair well	\$200.00
Filing fee	\$100.00
Total	\$8410.65

Analysis

It is my finding that the landlord has shown that he took all the legal steps required to remove and dispose of the tenants abandoned manufactured home.

I therefore allow the following portions of the landlords claim:

- I allow the claim for disposal of the manufactured home, because I find the amount of \$960.00 to be a reasonable amount.
- I allow the claim for the legal costs required to be able to dispose of the manufactured home.
- I also allow the full amount claimed for lost rental revenue due to the length of time it took to be able to dispose of the manufactured home and clean up the property.

- I will allow 1/2 the amount claimed for garbage removal. The landlord claims to have spent 30-8 hour days cleaning up the property; however he has provided no breakdown of the time spent.
- I will also only allow one half the amount claimed for the repair to the well because again the applicant has provided no breakdown of time spent or costs incurred.

Therefore the total amount of the landlords' claim that I have allowed is as follows:

disposal of the manufactured home	\$960.00
Garbage removal	\$2400.00
Lost rental revenue	\$2100.00
Well repair	\$100.00
Filing fee	\$100.00
Total	\$5910.65

Conclusion

I have issued an order for the respondent to pay \$5,910.65 to the applicant. The remainder of this claim is dismissed without leave to reapply.

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: March 10, 2011.

Residential Tenancy Branch