



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

OP, MNDC, MNR, MND, MNSD, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession; a monetary Order for money owed or compensation for damage or loss; for a monetary Order for damage to the rental unit; for a monetary Order for unpaid rent; to keep all or part of the security deposit; and to recover the fee for filing this Application for Dispute Resolution. At the hearing the Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated.

Both Landlords and the Tenant with the initials "H.N." were represented at the original hearing. The female Landlord stated that she personally served the other Tenant with copies of the Application for Dispute Resolution and Notice of Hearing on March 31, 2011. In the absence of evidence to the contrary, I find that these documents have been served on the Tenant with the initials "S.M." in accordance with section 89 of the Act, however this Tenant did not appear at the hearing. The proceedings commenced in the absence of the Tenant with the initials "S.M."

At the outset of the original hearing the male Landlord stated that the Tenant had advised him that he could mail documents to her at the rental unit as she was making arrangements with Canada Post to have her mail forwarded to her new address. He stated that on April 08, 2011 he sent a package of evidence to the Tenants at the rental unit and he is aware that the package was not forwarded to the Tenant by Canada Post, as it was delivered to the rental unit.

The Tenant agreed that she did advise the Landlord that the Landlord could mail documents to her at the rental unit as she was making arrangements with Canada Post to have her mail forwarded to her new address. She stated that she did make arrangements with Canada Post to have mail forwarded to her new address but there was a time delay between when she asked to have her mail re-directed and when Canada Post complied with the request. She stated that mail is now being re-directed to her new address by Canada Post.

As the Landlord served evidence to the Tenant in accordance with section 88 of the Act and the Tenant did not receive this evidence due to administrative delays by Canada

Post, I find it appropriate to adjourn this matter to provide the Landlord with the opportunity to re-serve the Landlord's evidence. The Tenant provided the Landlord with her new address at the original hearing. **At the reconvened hearing the Tenant acknowledged receiving a package of documents from the Landlord and those documents were accepted as evidence for these proceedings.**

Both Landlords and the Tenant with the initials "H.N." were **represented at the reconvened hearing** They were **provided with the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.**

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to compensation for damage to the swimming pool located on the residential property; whether the Landlord is entitled to unpaid rent and utilities; whether the Landlord is entitled to compensation for loss of revenue; and whether the Landlord is entitled to recover the filing fee for the cost of this Application for Dispute Resolution.

Background and Evidence

Analysis

I find that the Landlords application has merit, and I find that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$387.00, which is comprised on \$337.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Based on these determinations I grant the Landlord a monetary Order for the amount \$102.88. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia 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: **April 20, 2011.**
