



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNDC, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for loss of income, repair costs and the filing fee.

The landlord testified that she had hired the services of a company called Skip Trace to locate the tenant, as he had not provided a forwarding address. The tenant was located and he was served in person in the presence of a witness. The landlord filed a proof of service statement signed by the server and a witness. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to a monetary order for loss of income, repair costs and for the filing fee?

### **Background and Evidence**

The landlord testified that the tenancy started on July 01, 2010 for a fixed term of three years. The rental unit was partially furnished. The tenant fell behind on rent and pursuant to an order of possession granted to the landlord, the tenant moved out on December 15, 2010.

The landlord filed photographs of the unit showing extensive damage to walls and doors, and stains on the carpet. In addition, the landlord stated that the tenant took the furniture that was provided for his use during the tenancy.

The landlord testified that it was difficult to find a repair person after December 16, due to the holidays. The landlord advertised the availability of the unit while the repairs were ongoing. The landlord stated that her spouse did the repair work and incurred a cost of \$840.00. However, the landlord was unable to rent the unit for January and is claiming a loss of income of \$2,750.00.

The landlord is also claiming \$224.00 which is the cost of hiring Skip Trace to locate and serve the tenant with the notice of hearing.

### **Analysis**

In this case, the tenant moved out on December 15, 2010 leaving the rental unit in a condition that needed repair. In addition the tenant had signed a fixed term lease and by ending the tenancy (for nonpayment of rent) on December 15, 2010, ended the lease prior to the end date. Due to the holidays the landlord was unable to have the repairs done prior to January 01, 2011. The landlord mitigated her losses by advertising the availability of the unit while repairs were on but was unsuccessful in finding a tenant... Therefore I find that the landlord is entitled to recover the loss of income that she suffered due to the tenant's non compliance with the *Act*.

I find that the landlord has filed evidence to support her claim for the cost of repairs in the amount of \$840.00 and therefore I grant her this amount.

The legislation does not permit me to award any litigation related costs other than the filing fee. In this case, the cost of using the services of Skip Trace is a litigation related cost for which the tenant is not liable. Since the landlord has proven her claim she is entitled to the filing fee of \$100.00.

Overall the landlord has established a claim of

1.	Loss of Income	\$2,750.00
2.	Repairs	\$840.00
3.	Filing fee	\$100.00
	Total	<b>\$3,690.00</b>

Based on the documentary and oral evidence of the landlord and in the absence of any contradictory evidence, I find that the landlord is entitled to \$3,690.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord a monetary order in the amount of **\$3,690.00**.

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: June 21, 2011.

---

Residential Tenancy Branch