

DECISION

Dispute Codes MNDC, FF

Introduction

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

The Landlord attended the hearing by conference call and gave testimony. The Tenant did not attend.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order to recover costs of strata noise fines from the Tenant?

Background and Evidence

The Landlord states that the notice of hearing package and evidence was served on the Tenants by registered mail on April 16, 2011. The Landlord has provided the Canada Post registered mail tracking numbers (LT646499972CA and LT646499986CA) and states that confirmation was checked that both parties successfully received the package.

The Landlord is claiming a total monetary amount of \$425.00. The Landlord states the Strata Council imposed a \$200.00 noise fine for breaching the bylaws on October 26, 2010 and another noise fine of \$200.00 imposed on March 15, 2011. The Landlord has provided a letter dated March 28, 2011 in support of the March 15, 2011 fine. The Landlord has provided no evidence to support the claim of the October 26, 2011 fine. The Landlord is also claiming \$25.00 for a late rent fee for April 2011. The Landlord has provided no evidence to support this claim.

The Landlord states that she failed to have the Tenant's complete a Form K document for this tenancy.

The Landlord states that another hearing was held where she obtained an order of possession for the rental unit. The Tenant has subsequently vacated the rental unit, but has failed to provide a forwarding address as of the date of this hearing.

Analysis

I am satisfied based upon the Landlord's direct testimony that the Tenant was properly served with the notice of hearing and evidence package on April 16, 2011.

I find that the Landlord has failed to establish a claim. The Landlord has failed to provide any evidence that the Tenant's were aware of any potential fines imposed by the strata in a breach of the bylaws. The Landlord has also failed to provide any evidence of entitlement for late rent fees or that rent was late for April 2011. The Landlord's application is dismissed.

Conclusion

The Landlord's application is dismissed.

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: July 27, 2011.

Residential Tenancy Branch