



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *MNSD, MNR, FF*

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order to recover the unpaid rent, the costs of using the services of a bailiff and for the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his claim. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The landlord had made application earlier this year and this matter was heard on February 02, 2011 (File number 767797). During the hearing conducted today, the tenant referred to this decision and indicated that a portion of the landlord's application had already been addressed in a decision dated February 02, 2011.

### **Issues to be decided**

Has the landlord established a claim against the security deposit and if so in what amount? Is the landlord entitled to unpaid rent, bailiff costs and to the recovery of the filing fee?

### **Background and Evidence**

The tenancy started on August 01, 2010 and ended when the landlord enforced an order of possession that he had been granted in the decision dated February 02, 2011. The landlord hired a bailiff to evict the tenant on May 03, 2011.

The landlord made this application for a monetary order for unpaid rent for the months of October 01, 2010 to May 09, 2011 in the amount of \$13,122.58. The landlord is also claiming \$3,079.73 in bailiff costs but did not file any evidence to support this claim.

The tenant agreed with the landlord's claim and did not dispute the amount owed for rent or the cost of the bailiff. However, she did refer to the prior decision dated February 02, 2011, in which the landlord was awarded rent for the months of October 2010 to January 2011 plus half months rent for February in the total amount of \$7,200.00.

### **Analysis**

During the hearing, the tenant referred to the decision dated February 02, 2011. In this decision, the landlord was awarded a monetary order for rent for the period of Oct 2010 to February 15, 2011. Therefore, I will not consider rent for this period as the landlord already has a monetary order for \$6,400.00 which includes unpaid rent for this period.

The tenant did not dispute the balance of the landlord's claim and therefore I find that the landlord is entitled to rent for the period of February 15 to May 09, 2011 in the amount of **\$5,022.54**. The tenant also agreed to pay the bailiff's cost and therefore the landlord has established a claim of the **\$3,019.73**.

Since the landlord has proven his case, he is also entitled to the filing fee of **\$100.00**. The landlord was allowed to retain the security deposit against his prior claim and therefore I will not deduct the deposit from the current claim.

Overall, the landlord has established a claim of \$8,142.77. 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 **\$8,142.77**.

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: September 06, 2011.

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Residential Tenancy Branch