



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, FF

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the landlord only. The tenants did not attend.

The landlord testified the tenants were served with notice of this hearing by registered mail on July 6, 2011. The landlord also provided Canada Post receipts confirming that both tenants were served with these notices. I accept the tenants were sufficiently served for the purposes of this hearing.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for damage to the rental unit; for monies owed or compensation for damages or loss; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 37, 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord confirmed the tenancy began on March 15, 2011 as a month to month tenancy for a monthly rent of \$1,150.00 due on the 1st of each month and that the tenants had paid a security deposit of \$575.00. The tenancy ended June 30, 2011.

The landlord submitted documentary evidence confirming the tenants had failed to pay rent for the months of May and June 2011 and that the tenants acknowledged this in a receipt dated June 23, 2011 where the tenants paid \$400.00 towards the arrears.

The landlord has also submitted a document signed by the both tenants confirming the landlord may apply their security deposit to the rental arrears. The landlord also submitted a copy of the last page of a condition inspection report signed by one of the tenants confirming there was damage to a switch and bedroom closet door and a receipt for the replacement of the closet door.

The landlord also testified the tenants failed to return a master key to the common areas and are responsible for a \$50.00 fine from the strata for its replacement.

The landlord seeks the following compensation:

Description	Amount
Rent (May and June 2011 – less \$400.00)	\$1,900.00
NSF Charges	\$50.00
Closet Door Replacement (1/2 actual cost)	\$224.02
Failure to return master key	\$50.00
Registered Mail Charges	\$40.93
Total	\$2,264.95

Analysis

To be successful in a claim for compensation for damage or loss the applicant has the burden to provide sufficient evidence to establish the following four points:

1. That a damage or loss exists;
2. That the damage or loss results from a violation of the *Act*, regulation or tenancy agreement;
3. The value of the damage or loss; **and**
4. Steps taken, if any, to mitigate the damage or loss.

I accept, in the absence of any contradictory testimony or evidence from the tenants, the landlord has established the tenants failed to pay rent as noted above; that the landlord was charged NSF charges; incurred costs associated with damage to closet doors as a result of the tenancy; and that the tenants failed to return the common area master key.

I find also that the landlord has substantiated the value for each of these items and is entitled to be compensated by the tenants for these losses. As to the landlord's Application for the costs of registered mail to the tenant for the purposes of this hearing, I note that a party filing an Application for Dispute Resolution has a number of choices of methods for serving documents and as such, the tenant is not responsible for the costs associated with the landlords' choice of service.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$2,274.02** comprised of \$1,900.00 rent owed; \$50.00 NSF charges; \$224.02 closet door replacement; \$50.00 master key replacement and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$575.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$1,699.02**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: October 05, 2011.

Residential Tenancy Branch