



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MND, MNR, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67; and
2. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenants were properly served with the Application for Dispute Resolution hearing package sent by leaving the package with the tenants in person.

The tenants did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

### **Issue(s) to be Decided**

Whether the landlord is entitled to monetary order for compensation for damage and/or loss and whether the landlord is entitled to recover the filing fee paid for this application.

### **Background and Findings**

#### **Monetary Order**

The landlord obtained an Order of Possession with which the tenants did not comply. It was therefore necessary for the landlord to enforce the Order in the courts. The landlord paid a \$120.00 filing fee to do so. The landlord also hired a bailiff but the tenants finally vacated a few days before the bailiff attended. The landlord therefore withdrew her claim for bailiff's fees. The landlord is seeking rent for August and September which the tenants did not pay even though they remained in possession of the rental unit each in the sum of \$1,200.00.

Based on the undisputed evidence of the landlord I will allow their claims as follows:

Law Court Fees	\$ 120.00
Rent for August and September	2,400.00
Total	\$2,520.00

***Filing Fees***

As the landlord has been successful in her claims I find that the landlord is entitled to recover the filing fees paid for this application.

**Conclusion**

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

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: November 15, 2011.

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Residential Tenancy Branch