



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR, MNDC, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for unpaid rent, to recover bailiff fees and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing on November 11, 2011, by registered mail the tenant did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the tenant has been duly served in accordance with the Act.

The landlord gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

### Background and Evidence

On September 13, 2012, a Dispute Resolution hearing was held and the tenant's application to cancel a ten day notice to end tenancy for unpaid rent was dismissed. The landlord was granted an order of possession. Filed in evidence is the decision issued on September 13, 2011.

The landlord testified that the tenant did not pay rent for August 2011 and September 2011, and is seeking a monetary for unpaid rent in the amount of \$1,500.00.

The landlord testified that he was required to enforce the order of possession in Supreme Court and he paid the bailiff \$1,500.00 to have the tenant and her belongings removed from the rental unit. Filed in evidence is receipt for bailiff services.

### Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

In the Dispute Resolution Officer's decision of September 13 2011, the tenant acknowledges rent was not paid for August 2011, and September 2011. Therefore, I find the landlord is entitled to a monetary order for unpaid rent.

The landlord was granted an order of possession on September 13, 2011. The landlord had to enforce the order and incurred cost to have the tenant and her belongings removed from the rental unit. The landlord is entitled to a monetary order for financial compensated for the expenses he paid to the bailiff to enforce the order.

I find that the landlord has established a total monetary claim of \$3,050.00 comprised of rent owed and financial compensation for bailiff fees and the \$50.00 fee paid by the landlord for this application.

I order that the landlord retain the deposit and interest of \$375.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2,675.00.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

### Conclusion

The landlord is granted a monetary order for unpaid rent, financial compensation for bailiff fees, and may keep the security deposit and interest in partial satisfaction of the claim. I grant a monetary order for the balance due.

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: January 26, 2012.

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Residential Tenancy Branch