



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, MNDC

Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed August 23, 2012, however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$9,462.06.

Background and Evidence

The applicant testified that:

- This tenancy began on June 16, 2012 for a fixed term of one year, with a monthly rent of \$1700.00, and at that time a security deposit of \$850.00 was collected.
- The tenants failed to pay the July 2012 rent in the amount of \$1700.00.
- A10 day Notice to End Tenancy was issued to the tenant on July 11, 2012; however the tenants failed to comply with that notice.
- He therefore filed for dispute resolution and on August 22, and an Order of Possession was issued.
- The tenants failed to comply with the Order of Possession and as a result he had to obtain a Writ of Possession from the Court, and hire a bailiff to remove the tenants.
- The tenants were removed by the bailiff on September 6, 2012.

- The tenants failed to pay the August 2012 rent in the amount of \$1700.00.
- The tenants failed to pay the September 2012 rent in the amount of \$1700.00.
- He was unable to re-rent the unit until October 27, 2012, and only \$200.00 was collected from the new tenant's for the month of October 2012. He therefore lost rental revenue in the amount of \$1500.00 for the month of October 2012.
- The tenants also left garbage behind that had to be removed to the dump and left the carpets in need of cleaning.
- There were also six NSF cheques during the term of the tenancy.

The applicant is therefore requesting a reduced monetary order as follows:

July 2012 rent outstanding	\$1700.00
August 2012 rent outstanding	\$1700.00
September 2012 rent outstanding	\$1700.00
October 2012 lost rental revenue	\$1500.00
Writ of Possession fee	\$120.00
Bailiff fees	\$1934.18
Garbage dump fees	\$55.00
Carpet cleaning	\$224.00
Liquidated damages	\$850.00
Six NSF cheque fees X \$25.00	\$150.00
Filing fee for file 795154	\$50.00
Filing fee for today's hearing	\$100.00
Subtotal	\$10083.18
Less security deposit	- \$850.00
Total	\$9,233.18

Analysis

It is my finding that the landlord has established the full revised amount claimed.

The tenants failed to pay the July 2012 rent, then failed to comply with the Notice to End Tenancy, then failed to comply with an Order of Possession, meanwhile staying in the rental unit without paying any rent.

The landlord was forced to get a Writ of Possession and hire a bailiff to finally remove the tenants from the rental unit.

The tenants also left garbage behind and left the carpets in need of cleaning.

These tenants made it very difficult for the landlord to regain possession of the rental unit and as a result the landlord has suffered significant losses and has had significant costs and it is my decision that the losses and costs must be borne by the tenants.

Conclusion

I have allowed the landlords full revised claim of \$10,083.18, less the \$850.00 security deposit which has already been signed over to the landlord by the tenants, and I have issued a monetary order in the amount of \$9,233.18.

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 06, 2012.

Residential Tenancy Branch