



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MNDC, FF

### Introduction

This is an application filed by the Landlord for a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenants did not attend or submit any documentary evidence. The Landlord states that the Tenants were both served with the notice of hearing package and the submitted documentary evidence on April 18, 2013 by Canada Post Registered Mail and has submitted copies of the Customer Receipt Tracking Numbers as confirmation. I accept the undisputed evidence of the Landlord and find that both Tenants have been properly served.

At the beginning of the hearing, it was also noted that the Landlord submitted a late evidence package which the Landlord also has included a monetary claim for damages which was not served upon the Tenants. The Landlord's late evidence shall not be reviewed as this is a fundamental breach of proper notification against the Tenants as they are not aware of this portion of the application. The Landlord's request to amend the monetary claim to include damages is dismissed with leave to reapply.

During the hearing the Landlord provided an alternate address for service of the decision for the Landlord. The Application shall be amended to reflect the new address.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

### Background and Evidence

This Tenancy began on November 1, 2012 on a fixed term tenancy ending on October 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The Tenancy ended on . The monthly rent was \$920.00 payable on the 1<sup>st</sup> of each month and a \$460.00 security deposit was paid on October 30, 2012.

The Landlord states that the Tenants vacated the rental unit shortly after receiving an order of possession by Canada Post Registered Mail on April 18, 2013. The Landlord is unsure as to the exact date of their departure. The Landlord also states that the Tenants have failed to provide any forwarding address in writing as of the date of this hearing.

The Landlord clarified that a monetary order for \$2,495.00 is being sought. This consists of rent arrears of \$1,555.00 up to the end of April 2013 that includes rent, late rent fees and a charge of \$50.00 for a previous arbitration filing fee for a direct request. The monetary claim also includes \$920.00 for May 2013 rent and a \$20.00 late rent fee as the Tenants have failed to provide any notification. The Landlord relies on a Resident Ledger for the Tenants from October 31, 2012 to April 2, 2013.

### Analysis

I accept the undisputed evidence of the Landlord and find that monetary claims for rent arrears and late rent fees have been established based upon the Resident Ledger submitted. However, the Landlord has failed to provide sufficient details regarding the \$50.00 arbitration fee from a previous direct request application. The Landlord's Application regarding the recovery of the \$50.00 arbitration fee for the direct request is dismissed as this is a non-recoverable fee under the direct request process. The Landlord has established a monetary claim for \$2,445.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$2,495.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$2,495.00.

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: July 09, 2013

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Residential Tenancy Branch