



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, OPC, OPB, MNR, MND, MNSD, FF

### Introduction

This is an application for an Order of Possession, an application for a Monetary Order for \$3000, a request to retain the full security deposit, and a request for recovery of the \$50.00 filing fee.

The applicant(s) testified that the respondent was served with notice of the hearing by personal service on June 27, 2013, however the respondent did not join the conference call that was set up for the hearing.

It's my finding that the respondent has been properly served with notice of today's hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order of \$3000.00?

### Background and Evidence

The applicants testified that:

- The rental suite had been fully restored from a previous flood and therefore was in new condition when the tenant moved into the rental unit.
- The tenants have caused significant damages to the rental unit, and they estimate it will cost approximately \$3000.00 to repair the unit, remove the garbage, and possibly remove abandoned vehicles.
- They are requesting an Order of Possession and a Monetary Order.

- They also request an order allowing them to keep the full security deposit towards the claim.

### Analysis

It's my finding that the applicants have provided insufficient evidence for either an Order of Possession or a Monetary Order.

The applicants claim that a Notice to End Tenancy was served on the tenant, however no copy of that notice has been supplied for today's hearing, and in the absence of any Notice to End Tenancy I'm unwilling to issue an Order of Possession.

The applicants also claim that there are damages that will cost approximately \$3000.00 to repair, however they have provided no independent estimate of the cost of repairs, nor any invoices for the cost of repairs.

The only evidence the landlords have supplied for today's hearing are numerous photos, and although those photos do show damage to the rental unit I'm not willing to issue a Monetary Order in the absence and any evidence of the cost of any required repairs.

### Conclusion

This application is dismissed with leave to reapply.

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 29, 2013

---

Residential Tenancy Branch

