



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPB, MND, MNDC

### Introduction

This was an application for an Order for Possession pursuant to the tenancy agreement as well as a monetary Order for repair of the suite. Only the landlords attended the hearing.

### Issue(s) to be Decided

Are the landlords entitled to an Order for Possession and Monetary Order?

### Background and Evidence

The landlords testified that they sent the dispute resolution package by registered mail to the tenant on December 31, 2013. With reference to Canada Post's web site I find that the tenant was served pursuant to the Act on January 2, 2014. The landlords produced a tenancy agreement which began on September 1, 2013 with rent in the amount of \$ 800.00 with a 3 month fixed term ending on November 30, 2013. There was not any security deposit paid. The landlords testified that the tenant and his friends continued until quite recently to reside in the unit. Although the tenant was now in custody the landlords feared that he or his friends might return to the unit and they requested an Order for Possession.

The landlords testified that the unit sustained extensive smoke damage and required cleaning and painting. They estimated that to cost \$1,200.00. The landlords also claimed for the cost to repair a door jam and replace the door costing \$ 1,000.00.

The landlords testified that the tenant was now in custody and requested that they be permitted to serve the tenant through his parents' address.

Analysis

In absence of any evidence to the contrary, I find that the landlords are entitled to an Order for Possession pursuant to their tenancy agreement. I also accept the landlords' uncontradicted evidence of damage to the unit and find that their claims are reasonable. I award them the sum of \$ 2,200.00 as claimed. The landlords are entitled to recover their filing fee amounting to an additional \$ 50.00.

I determined this is an appropriate case to grant an order of substituted service. I ordered that the landlords may serve the respondent substitutionally by mailing a copy of this decision letter and Orders addressed to him by registered mail at: Box 141, Duncan, BC, V9L 3X1.

Conclusion:

I have granted the landlords an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I grant the landlords an order under section 67 for the balance due of **\$ 2,250.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible in accordance with my Order for substitution service. The landlords may reapply for any loss of rent or revenue.

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 14, 2014

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Residential Tenancy Branch

