



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNR, OPB, OPC

Introduction

This is an application for an Order of Possession and a request for a Monetary Order for \$4100.00 and recovery of the \$50.00 filing fee.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on June 4, 2014; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing.

I therefore proceeded with the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

By the date of the hearing the tenants had already vacated the rental unit and therefore an Order of Possession was no longer requested.

Therefore the remaining issue is whether or not the applicants have established a monetary claim against the tenants and if so in what amount.

Background and Evidence

The landlord testified that:

- The monthly rent for this rental property is \$1100.00.

- The tenants failed to pay both the May 2014, and June 2014 rent for a total of \$2200.00.
- The tenants vacated on June 27, 2014; however they left significant damages.
- The following are damages that were found prior to this application for dispute resolution however they will be filing a second application for the remainder of the extensive damages:

Metal exterior door destroyed with a Hammer	\$500.00
Door knob also destroyed	\$100.00
Exterior window broken	\$500.00
Concrete barrier broken	\$700.00
Screen door kicked off the hinges	\$100.00
Total	\$1900.00

- The above amounts are estimates I got from the local building supply company.
- The concrete barriers separate their rental property from the neighbour's property however the barriers belong to, and were installed by, the neighbour. The tenant drove his vehicle into the concrete barriers destroying three of them for a total cost of \$900.00, however the tenant has paid the neighbour \$200.00 towards the cost of replacing the barriers, leaving the \$700.00 claimed above.

Therefore the total amount they are requesting is as follows:

Outstanding rent	\$2200.00
Damages	\$1900.00
Filing fee	\$50.00
Total	\$4150.00

Analysis

It is my finding that the applicants have shown that the tenants failed to pay rent for the months of May 2014, and June 2014, and I therefore allow the request for \$2200.00 in outstanding rent.

I also allow the majority of the landlords claim for damages as I find the estimates requested to be reasonable. I will not however allow the claim for the broken concrete barriers as this is not a portion of the rental property and in fact belongs to the neighbour. It would be the neighbour's responsibility to try and collect the damage costs from the tenants.

I will allow the request for recovery of the \$50.00 filing fee as I have allowed the majority of this claim.

Conclusion

I have issued an Order for the respondents to pay \$3450.00 to the applicant.

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 21, 2014

Residential Tenancy Branch

