



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The tenant applied for a monetary order in the amount of \$5,000.00 for the cost of emergency repairs, compensation for money owed and for the return of the security deposit.

The landlord attended the hearing and was given full opportunity to present evidence and make submissions. The tenant did not attend the hearing.

These parties attended a hearing by conference call on June 20, 2014. The landlord was awarded an order of possession. On July 16, the landlord utilized the services of a bailiff to evict the tenant. The tenant did not provide a forwarding address to the landlord.

The landlord served the tenant with a notice of hearing on July 08, 2014, in person in the presence of a witness, at the rental unit. Despite being served the notice of hearing and having made application for dispute resolution, the tenant did not attend the hearing. Therefore the tenant's application is dismissed without leave to reapply.

On July 24, the landlord provided additional evidence to include damages and the cost of bailiff services. The landlord served this package with the additional evidence on the tenant by registered mail on July 24, 2014 to the address of the rental unit. The tenant had moved out on July 16 without providing a forwarding address. Therefore the tenant was not notified of the added claim by the landlord. Accordingly, the landlord's claim for property damage and stolen washer is dismissed with leave to reapply, in order to provide the tenant with an opportunity to respond to the landlord's claim.

This hearing only dealt with the landlord's application for a monetary order for unpaid rent, bailiff's services and the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent, bailiff costs and the filing fee?

Background and Evidence

The tenancy started on August 10, 2013. The monthly rent was \$2,100.00 payable on the first of the month. Prior to moving in the tenant paid a security deposit of \$1,050.00. In the decision dated June 20, 2014, the Arbitrator allowed the landlord to retain \$50.00 towards the filing fee for that application. Therefore the landlord currently holds a security deposit of \$1,000.00.

The tenant owed rent in the total of \$11,000.00 for the period of March to August 2014. Even though the tenant moved out in July, the landlord was unable to find a tenant for August as the unit was left in a condition that required repairs and cleaning. The landlord used the services of a bailiff on July 16, 2014 and filed proof of having incurred a cost of \$2,052.00 for their services.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept her evidence in respect of the claim. The tenant owes rent in the amount of \$11,000.00. I further find that the landlord provided adequate proof to support the costs incurred to use the services of the bailiff and therefore I award the landlord \$2,052.00. Since the landlord has proven her claim, I award her the recovery of the filing fee of \$100.00.

In the absence of evidence to the contrary, I find that the landlord has established a total claim of \$13,152.00 for unpaid rent, bailiff fees and the filing fee. I order that the landlord retain the security deposit of \$1,000.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$12,152.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$12,152.00**.

The tenant's application is dismissed in its entirety.

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: August 06, 2014

Residential Tenancy Branch

