



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MND, MNR

### Introduction

This is an application for a Monetary Order for \$5000.00 and a request for recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on April 26, 2014; however the respondent 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 has been properly served with notice of the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Has the applicant established a monetary claim against the respondent, and if so in what amount?

### Background and Evidence

The applicant testified that:

- This tenancy began on October 1, 2013 with the monthly rent of \$900.00, and a security deposit of \$450.00 had been paid.
- The tenant was removed from the rental unit on February 26, 2014 by a Bailiff acting on a Writ of Possession.
- She had to pay \$3143.50 to the Bailiff.
- The tenant paid no rent for the month of February 2014.
- The tenant also left the rental unit in need of extensive cleaning and repairs(see receipts).

She is requesting a Monetary Order as follows:

February 2014 rent outstanding	\$900.00
Bailiff cost	\$3143.58
Court filing costs	\$180.00
Registered mail costs to served orders	\$41.50
Missing remote	\$35.00
Filing fee from direct request hearing	\$50.00
Cleaning and repairs-materials	\$541.86
Cleaning and repairs-labour	\$600.00
Filing fee for this application	\$50.00
Total	\$5541.94

She is reducing her claim to \$5000.00 and recovery of her \$50.00 filing fee.

### Analysis

It is my finding that the applicant has shown that the tenant failed to pay the February 2014 rent and I therefore allow that portion of the claim.

It is also my finding that the applicant had to pay a bailiff to remove the tenant from the rental unit as the tenant failed to comply with an Order of Possession, and I therefore also allow that portion of the claim.

I also allow the claim for the court filing costs to enforce the previous Order of Possession.

I also allow the claim for the registered mail costs paid by the landlord to serve the previous judgment on the respondent.

It's also my finding that the landlord has shown that the tenant failed to return a remote and I therefore allow that portion of the claim.

I also allow the claim for the filing fee that the landlord had to pay for the original application for an order of possession through the direct request process.

It's also my finding that the landlord has shown that the tenant left the rental unit in need of significant cleaning and repairs and I therefore allow the claims for materials and labour for those cleaning and repairs.

I further allow recovery of the \$50.00 filing fee.

It is my finding therefore that the landlord has established a claim totaling \$5541.91, and I therefore allow the landlords reduced claim of \$5000.00 and recovery of the \$50.00 filing fee

Conclusion

Pursuant to section 67 of the Residential Tenancy Act, I have allowed the landlords full reduced claim of \$5050.00 and I have issued a Monetary Order for the respondent to pay that amount 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: August 25, 2014

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Residential Tenancy Branch

