



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing was convened in response to an application by the landlord for a monetary order. The landlord presented evidence showing that the notice of hearing and application for dispute resolution were sent by registered mail on May 8 and that the landlord's evidence was served by regular mail on August 18. I was satisfied that the tenant had notice of the claim against him and the hearing proceeded in his absence.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The undisputed evidence of the landlord is as follows. The tenancy began February 21, 2013 and ended when the tenant vacated the rental unit on April 8, 2013. The rental unit is located in a strata building and the tenant was obligated to comply with strata rules.

The landlord testified that during the tenancy, the tenant changed the locks on the rental unit. The landlord did not receive a key to the new locks and at the end of the tenancy, had to change the locks at a cost of \$160.72. The landlord seeks to recover that cost.

The landlord testified that the strata council has charged her with the following charges and fines as a result of events during the tenancy:

Explanation	Fine or Charge
Tenant lost key and arranged for locksmith to change locks. Billed to landlord.	\$84.00
Noise bylaw fine	\$200.00
Tenant lost key and arranged for access from strata security.	\$22.40

Tenant arranged for security to allow access to the unit for a liquor delivery.	\$ 44.80
Tenant lost his key card allowing access to the elevator and stole the key card for maintenance services.	\$ 190.40
Tenant's threatening behaviour resulted in a call to building security.	\$ 95.20
Noise complaint investigation involving call to RCMP	\$ 89.25
Noise complaint investigation	\$ 52.50
Noise complaint investigation	\$ 52.50
Noise complaint investigation	\$ 105.00
Noise complaint investigation	\$ 105.00
Total:	\$1,041.05

The landlord seeks to recover the cost of travel from Ontario to inspect the rental unit, the cost of retaining legal counsel and an award for emotional stress. I did not take evidence on these claims for the reasons outlined below. The landlord also seeks to recover the \$50.00 filing fee paid to bring her application.

Analysis

I accept the undisputed testimony of the landlord. I find that the tenant changed the locks on the rental unit and failed to provide the landlord with a key, causing the landlord to have to change the locks yet again at the end of the tenancy. I find that the landlord is entitled to recover the cost of the lock replacement and I award her \$160.72.

I find that the tenant's actions required intervention from the strata a significant number of times during the tenancy and I find that the tenant must be held liable for the resulting fines and charges as outlined above. I award the landlord \$1,041.05.

I dismiss the landlord's claim for the cost of travel from Ontario to inspect the rental unit. The landlord chose to live far from the rental unit and is expected to build the cost of travel or the cost of hiring an agent into the rent. The tenant cannot be held liable for the cost of the landlord's choice to live in a different province.

I dismiss the landlord's claim for the cost of retaining legal counsel as the only litigation related expense I am empowered to award under the Act is the cost of the filing fee.

I dismiss the landlord's claim for emotional distress. The landlord does not have a right to quiet enjoyment under the legislation and can only recover losses directly related to the tenant's failure to comply with the Act or tenancy agreement.

As the landlord has been successful in part of her claim, I find she is entitled to recover the \$50.00 filing fee and I award her that sum.

Conclusion

The landlord has been awarded \$1,251.77 which represents \$160.72 as the cost of changing locks, \$1,041.05 as the cost of fines and charges from the strata and \$50.00 for the filing fee. I grant the landlord a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

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: September 08, 2014

Residential Tenancy Branch

