



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MND, MNR, MNSD, MNDC, FF

Introduction

This was an application by the landlord for a monetary order. The hearing was conducted by conference call.

The landlord participated in the hearing. The tenant did not attend although served with the application and Notice of Hearing sent by registered mail on May 14, 2014. The landlord provided proof of mail registration including the tracking number for the mail, purported to have been received by the tenant.

Issue(s) to be Decided

Is the landlord entitled to a monetary order in the amount claimed?

Background and Evidence

The undisputed testimony and evidence of the landlord is that the tenancy ended by way of an Order of Possession in favour of the landlord – effective April 30, 2014. At the outset of the tenancy the landlord had collected a security deposit of \$270.00 which the landlord retains in trust. The tenant did not vacate as Ordered and the landlord determined to have the Order of Possession enforced through Supreme Court via a Writ of Possession, for which the landlord incurred court costs and the costs of a bailiff. The landlord provided evidence of the court and bailiff's costs.

The landlord testified that the tenant caused damage to the rental unit – damaging a wall by breaking and removing the drywall and exposing the insulation. As well, the tenant had pulled the temperature control thermostat from the wall and was not later located. In addition, the rental unit was left unclean following the tenant's removal,

inclusive of a soiled carpet. The landlord provided invoices for the claimed cleaning costs of \$84.00, and \$125.00. The landlord also included invoices and relevant photographs for the wall damage/repairs and thermostat in the sum of \$426.00. In addition to the bailiff and court fees/costs of \$1374.49, the landlord claims unpaid rent for May 2014 in the amount of \$540.00 – for a total claim of \$2549.49.

Analysis

I accept the landlord's testimony and documentary evidence submitted as establishing that they incurred the amounts claimed and that they are entitled to compensation in the amount of \$2549.49. The landlord is entitled to recover the \$50.00 filing fee paid for their application for a total award of **\$2599.49**.

Conclusion

I order that the landlord retain the security deposit of \$270.00 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$2329.49**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

This Decision is final and binding on both parties.

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 16, 2014

Residential Tenancy Branch

