



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR, MNDC, FF

### Introduction

This hearing was scheduled in response to the landlord's application for a monetary order as compensation for unpaid rent or utilities / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord testified that he served the tenant with the application for dispute resolution and notice of hearing (the "hearing package") at her post office box address by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail. The Canada Post website informs that the item was "unclaimed by recipient" and that it was later "successfully returned to the sender."

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement the fixed term of tenancy is from September 07, 2012 to August 30, 2013. Monthly rent of \$1,100.00 is due and payable in advance on the first day of each month. While the tenancy agreement documents that a security deposit of \$500.00 was due, the landlord testified that one was not collected.

Following from the landlord's direct request application, a previous decision was issued with respect to this tenancy by date of February 06, 2013 (file # 799891). Pursuant to the decision an order of possession was issued in favour of the landlord to be effective two (2) days after service on the tenant. Pursuant to the decision a monetary order was also issued in favour of the landlord in the amount of \$4,900.00, which is comprised of unpaid rent up to January 31, 2013.

Thereafter, the landlord served the tenant with the order of possession and the monetary order. The landlord then obtained a Writ of Possession after filing the order of possession in the Supreme Court. Subsequently, the tenant vacated the unit in May 2013, and new renters were found towards the end of June 2013.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the landlord has established a claim of **\$4,937.66**:

\$3,300.00: *(3 x \$1,100.00) unpaid rent / loss of rental income for February, March and April 2013)*

\$400.00: *unpaid rent / loss of rental income for a portion of May 2013 while the tenant still remained in possession of the unit*

\$839.66: *(\$170.42 + \$604.15 + \$65.09) hydro utilities*

\$100.00: *(4 x \$25.00) service fees charged by the bank for return of tenant's cheques*

\$80.00: *fee assessed for filing of order of possession in the Supreme Court of British Columbia*

\$168.00: *statutory fee assessed by Bailiff*

\$50.00: *filing fee*

**Total: \$4,937.66**

The landlord's claim for \$90.00 arising from travel expense "to BC Supreme Court and Bailiff's office" is hereby dismissed. Further to the absence of receipts, section 72 of the Act addresses **Director's orders: fees and monetary orders**. In short, I find that travel expense falls within the realm of a cost of doing business, and with the exception of the filing fee for an application for dispute resolution, the Act does not provide for the award of costs associated with litigation to either party to a dispute.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$4,937.66**. This order may be served on the tenant, filed in the Small Claims 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: November 24, 2014

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Residential Tenancy Branch

