



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR MND O FF

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to the tenancy agreement and a monetary order for unpaid utilities and damage to the building.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on March 19, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on March 24, 2015, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on October 1, 2014 as a fixed term tenancy to end on March 31, 2015. On that date the tenancy would end and the tenant would be required to move out. The tenant did not move out as required on March 31, 2015. The landlord seeks an order of possession pursuant to the tenancy agreement.

The landlord has also claimed monetary compensation for the following:

- 1) \$26.65 for an unpaid electricity bill;
- 2) \$236.25 for carpet cleaning and \$302.44 for carpet removal and replacement – the tenant and a guest of the tenant were involved in an altercation in a common hallway of the rental building, which resulted in significant blood stains in the carpet. The landlord attempted to have the stains removed by a professional cleaner but was not successful, and they therefore had to replace that portion of the carpet; and
- 3) \$510 in lost revenue for April 2015.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, indicating:
 - the tenancy would end on March 31, 2015 and the tenant would vacate the rental unit;
 - monthly rent of \$510; and
 - electricity is not included in rent;
- copies of the electricity bill and the carpet cleaning and carpet replacement invoices;
- letters to the tenant regarding the outstanding utility bill, the damage to the carpet and the landlord's intention to end the tenancy pursuant to the tenancy agreement;
- photographs of the blood-stained carpet in the hallway;
- testimony that the tenant has not vacated the unit and has not paid rent for April 2015; and
- a copy of the Landlord's Application for Dispute Resolution, filed March 12, 2015.

Analysis

I find that the landlord is entitled to an order of possession pursuant to the tenancy agreement.

As for the monetary claim, based on the above-noted evidence I find that the landlord has established a claim for \$26.65 for an unpaid electricity bill and the amounts claimed for carpet cleaning and carpet replacement. I am satisfied that the tenant and her guest caused the damage and the landlord took reasonable steps to attempt to minimize the carpet costs. I am also satisfied that the tenant did not vacate the unit and did not pay rent for April 2015.

The landlord is also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

I grant the landlord an order of possession effective April 30, 2015. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord an order under section 67 for the balance due of \$1125.34. This order may be 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: April 22, 2015

Residential Tenancy Branch

