



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC, FF, O

### Introduction

This is an application for a monetary order for \$3376.25 and a request for recovery of the \$50.00 filing fee.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on October 17, 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. I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondent, and if so in what amount.

### Background and Evidence

This tenancy began in August of 2013 with a monthly rent of \$1175.00.

On April 28, 2014 the applicant received an Order of Possession from the Residential Tenancy Branch; however the respondent failed to comply with that Order and as a result the applicant had to apply for a writ of possession and then have a Bailiff remove the respondent from the rental property.

The respondent was not removed from the rental property until May 13, 2014 and as a result the landlord lost the full rental revenue for the month of May 2014.

There were also damages found to the rental unit once the tenant was removed and as a result the applicant had repair costs.

The applicant also had to replace all the locks on the rental unit as the respondent/tenant had not returned the keys.

The applicant is therefore requesting a reduced monetary order as follows:

Cost of Writ of Possession	\$120.00
Bailiff charges	\$1500.00
May 2014 lost rental revenue	\$1175.00
Repair costs	\$340.00
Replace locks	\$231.25
Filing fee	\$50.00
Total	\$3416.25

The claim is reduced by \$10.00 over the original claim as the applicant inadvertently put \$350.00 for repair costs when the actual cost was \$340.00.

### Analysis

I have reviewed the evidence supplied by the applicant, and it's my finding that the applicant has established the full reduced amount claimed.

As stated above the applicant had received an Order of Possession and the respondent/tenant failed to comply with that Order, and as a result the landlord had the cost of the Writ of Possession and the Bailiff charges, for which the applicant has provided receipts.

Further, the respondent tenant's failure to leave the rental unit resulted in the loss rental revenue for the full month of May 2014.

I also find that the tenant left the rental unit in need of repairs and the locks in the rental unit needed to be replaced.

Conclusion

I have issued a monetary order in the amount of \$3416.25.

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: May 25, 2015

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Residential Tenancy Branch

