



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, MNSD, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent, loss of income, unpaid utilities, the cost of repairs, bailiff services and for the recovery of the filing fee. The landlord also applied to retain the security deposit.

This matter was originally scheduled to be heard on April 14, 2015. Both parties attended that hearing. At the start of the hearing, the tenant requested an adjournment because one of the tenants was seriously ill and could not attend. The tenant filed a doctor's letter. The hearing was adjourned to be heard on this date – May 26, 2015. Both parties were notified of this hearing by a letter sent by the Residential Tenancy Branch Office.

Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord testified that on September 12, 2014, he had served a copy of his evidence package to the tenant by registered mail, at the address that she had provided him as her forwarding address

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent, loss of income, unpaid utilities, the cost of repairs, bailiff services and for the recovery of the filing?

Background and Evidence

The landlord testified that the tenancy started on February 01, 2013 and ended on September 05, 2014 pursuant to an order of possession issued to the landlord on July 21, 2014. The monthly rent was \$1,700.00 payable on the first of each month.

The tenant was required to pay 60% of the utilities. Prior to moving in, the tenant paid a security deposit of \$850.00

The landlord stated that the tenant did not pay utilities and owed the landlord \$2,410.52. The landlord filed copies of the utility bills. The landlord also stated that the tenant's rent cheque for August 2014 was returned for insufficient funds and filed evidence to support his testimony. The landlord had to use the services of a bailiff to remove the tenant on September 05, 2014 and incurred an expense of \$690.46. The landlord stated that the tenant took a hammer to the kitchen tiles and smashed every tile. The tenant also damaged the stove. The landlord provided invoices to support the expense he incurred to repair the tiles.

After the tenant was removed by the bailiff, the landlord had the tiles repaired and was successful in finding a tenant for October 2014. The landlord is claiming loss of income for the month of September.

The landlord is claiming the following:

1.	Unpaid rent for August 2015	\$1,700.00
2.	Loss of income for September 2015	\$1,700.00
3.	Unpaid utilities	\$2,410.52
4.	Repair tiles	\$1,470.00
5.	Bailiff services	\$690.46
6.	Legal fees	\$1,500.00
7.	Filing fee	\$50.00
	Total	\$9,520.98

Analysis

The landlord's documentary evidence clearly outlines the quantum of his monetary claim. The landlord has provided invoices and evidence to support every one of the above mentioned items.

Based on the documents filed into evidence, I find that the landlord has proven his claim for unpaid rent, loss of income, unpaid utilities, cost of tile repair and the cost of bailiff services.

The legislation does not permit me to award any litigation related costs other than the filing fee. Accordingly the landlord claim of \$1,500.00 for legal fees is dismissed. Since the landlord has proven most of his claim, I award him the recovery of the filing fee.

Overall the landlord has established a claim of 8,020.98. I order that the landlord retain the security deposit of \$850.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$7,170.98. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of **\$7,170.98.**

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 26, 2015

Residential Tenancy Branch

