



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNR MNSD FF

### **Introduction:**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- a) A monetary order pursuant to Sections 46 and 67;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

### **SERVICE:**

Only the landlord attended and gave affirmed testimony that she served the Application for Dispute Resolution personally on the tenant; he threw it on the ground and she then taped it to the door. She was unable to use registered mail because Canada Post had a stop order on mail delivery to the home because of offensive actions of the tenant. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act.

### **Issue(s) to be Decided:**

Is the landlord now entitled to a Monetary Order for rental loss and filing fee?

### **Background and Evidence:**

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The evidence is that the tenancy commenced November 2013, a security deposit of \$600 was paid and rent was \$1100 a month. The tenant was evicted pursuant to sections 46 and 55 in a previous hearing for unpaid rent and the Bailiff had to remove his goods on March 11, 2015. The landlord obtained an Order of Possession and a monetary order for rental arrears in the previous hearing.

The landlord requests a monetary order for \$1100 for rental loss in March, 2015 as the tenant had to be removed and there was damage to the property that had to be repaired

before re-renting. She said she re-rented the unit in June 2015 and she has other costs that were not submitted for this hearing.

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On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

### **Analysis**

#### **Monetary Order**

I find that the landlord suffered rental loss of \$1100 for March 2015 as the tenant had to be removed by the Bailiff on March 11, 2015 and the landlord had to do repairs. I find she is entitled to a monetary order for \$1100 for rental loss and to recover her filing fee. I give her leave to reapply for further costs she incurred due to this tenancy.

### **Conclusion:**

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

#### **Calculation of Monetary Award:**

Rental loss March 2015	1100.00
Filing fee	50.00
Less security deposit (no interest 2013-15)	-600.00
<b>Total Monetary Order to Landlord</b>	<b>550.00</b>

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: July 22, 2015

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Residential Tenancy Branch

