



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This is an application brought by the Landlord(s) requesting a monetary order in the amount of \$4553.13.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 9, 2016; 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 and 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

The applicant testified that this tenancy began on April 1, 2011, and he regained possession of the rental unit, through an Order of Possession, on September 26, 2016.

The applicant further testified that the rent was \$350.00 per month, the call payable on the first of each month.

The applicant further testified that the tenant failed to pay any rent for the months of October 2015 through August 2016 for a total of 11 months.

The applicant also testified that the tenant failed to pay the water bill from 2015 and therefore they have had to pay that bill.

The applicant also testified that the respondent built an unauthorized building on the rental pad, and as a result they will have to pay a fee to the Capital Regional District in the amount of \$500.00.

The applicant is therefore requesting a monetary order as follows:

11 months' rent outstanding	\$3850.00
Water utility outstanding	\$155.13
Capital Regional District fee	\$500.00
Filing fee	\$100.00
Total	\$4605.13

Analysis

Accept the landlord sworn testimony that the tenant failed to pay the monthly rent of \$350.00 for the months of October 2015 through to the end of August 2016, for a total of 11 months, and I therefore allow that portion of the landlords claim.

I also allow the claim for the outstanding water utility as the landlord has provided evidence of that utility Bill has not been paid.

The landlord has also provided evidence of the Capital Regional District fee of \$500.00, and evidence from the Capital Regional District that shows that this fee resulted from the tenant constructing an unauthorized structure on the rental pad, and I therefore also allow that portion of the claim.

Having allowed the landlords full claim I also allow the request for recovery of the \$100.00 filing fee.

### Conclusion

Pursuant to section 60 and 65 of the Residential Tenancy Act I have allowed a total claim of \$4605.13 and have issued a monetary order in that amount.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: December 5, 2016

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Residential Tenancy Branch