



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MND, O, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy and pursuant to a one month Notice to End Tenancy. She also seeks a monetary award for the cost to replace various keys and fobs to the rental unit and for repairs to the door to the premises.

The tenant did not attend the hearing within 30 minutes after its scheduled start time.

The landlord's application was made May 17, 2016. She served the tenant with the application and notice of hearing by registered mail sent to the rental unit, where the tenant was then residing. That mail went unclaimed by the tenant (Canada Post tracking number shown on cover page) and was returned to the landlord.

On June 2, the landlord attended the premises and determined the tenant had vacated or abandoned the rental unit. The landlord has retaken possession and re-rented for July 1. In these circumstances the requested order of possession is no longer needed.

The landlord filed an amendment to her monetary claim on June 14, 2017, increasing the original claim from \$510.00 to \$2767.75 to include rental loss and further costs. That amendment has not been served on the tenant. The landlord does not know where the tenant is.

I find that the original application has been duly served on the tenant in accordance with s. 89 of the *Residential Tenancy Act*. A party cannot avoid this process by declining to retrieve a registered letter.

The amended application has not been served on the tenant and so I dismiss it, with leave to the landlord to re-apply.

On the uncontested testimony of the landlord I grant her a monetary award of \$60.00 for a key fob, \$40.00 to replace a storage key, \$50.00 to replace a parking pass, \$160.00 to rekey the unit and mailbox and \$200.00 to repair the door to the rental unit, for a total of \$510.00, as claimed in the original application. I award the landlord recovery of the \$100.00 filing fee for this application.

I authorize the landlord to retain the \$400.00 security deposit in reduction of the amount awarded. The landlord will have a monetary order against the tenant for the remainder of \$210.00.

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: June 28, 2017

Residential Tenancy Branch