



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HARWOOD HOLDINGS CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL-S MNDCL-S FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for unpaid rent, damages and loss pursuant to section 67; and
- recovery of the filing fee from the tenant pursuant to section 72.

The tenant did not attend this hearing which lasted approximately 10 minutes. The phone lines were left open for the party to call in to the teleconference for the full duration of the hearing. The landlord was represented by its agent (the "landlord") who attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that he served a copy of the application for dispute resolution dated April 6, 2018 and evidentiary materials on the tenant by registered mail sent on April 12, 2018 to a forwarding address provided by the tenant. The landlord submitted a copy of the registered mail tracking number as evidence in support of service. Based on the undisputed evidence I find that the tenant was deemed served with the landlord's materials in accordance with sections 88, 89 and 90 of the *Act* on April 17, 2018, five days after mailing.

Issue(s) to be Decided

Is the landlord entitled to a monetary award as claimed?

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord gave undisputed evidence regarding the following facts. This periodic tenancy originally began in May, 2013 and ended March 23, 2018 by enforcing a writ of possession. The landlord said that the security deposit for this tenancy has been dealt with at a previous hearing and they no longer hold any moneys for this tenancy. The landlord testified that the arrears for this tenancy as at August 10, 2018 the date of the hearing is \$2,783.44.

The landlord seeks a monetary award of \$4,840.03 for the following items:

Item	Amount
Rent Arrears	\$2,783.44
Bailiff and Mover Fees	\$1,651.59
Replacement Mail Keys	\$25.00
Cleaning and Garbage Disposal	\$280.00
Filing Fee	\$100.00
TOTAL	\$4,840.03

The landlord testified that they incurred costs to end the tenancy, clean the rental unit and replace keys not returned by the tenant. The landlord submitted into documentary evidence the invoices and receipts in support of their monetary losses.

Analysis

Section 67 of the *Act* allows me to issue a monetary award for loss resulting from a party violating the *Act*, regulations or a tenancy agreement. In order to claim for damage or loss under the *Act*, the party claiming the damage or loss bears the burden of proof. The claimant must prove the existence of the damage/loss, and that it stemmed directly from a violation of the agreement or a contravention on the part of the other party. Once that has been established, the claimant must then provide evidence that can verify the actual monetary amount of the loss or damage. The claimant also has a duty to take reasonable steps to mitigate their loss.

I accept the undisputed evidence of the landlord that the arrears for this tenancy is \$2,783.44 as at the date of the hearing. I accept the landlord's undisputed testimony and documentary evidence that they have suffered damages and loss as a result of the tenant. I accept the evidence that the total amount of the losses are as submitted in their application. Accordingly, I issue a monetary award in the landlord's favour in the amount of \$4,740.03.

As the landlord was successful in their application they may recover the \$100.00 filing fee from the tenant.

Conclusion

I issue a monetary order in the landlord's favour in the amount of \$4,840.03. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: August 10, 2018

Residential Tenancy Branch