



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

The landlord applies for a monetary award for damage and loss resulting from a fire said to have originated in the tenant's basement suite as a result of the tenant's negligence.

The respondent tenant did not attend the hearing within ten minutes after its scheduled start time at 1:30 p.m. on August 28, 2018. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the landlord and this arbitrator were the only ones who had called into this teleconference during that period. The applicant landlord was given a full opportunity to be heard, to present sworn testimony/affirmed testimony, to make submissions and to call witnesses.

The landlord showed that the tenant had been served with the Notice of Dispute Resolution Proceeding by registered mail (tracking number shown on cover page of this decision) sent to a forwarding address in writing (email) provided by the tenant. Canada Post records show that the mail was delivered April 27, 2018 and signed for by "H.D" (name redacted).

The landlord testifies that H.D. is to her knowledge an acquaintance of the tenant and was listed as a reference for the tenant when the tenant applied for this tenancy.

On this evidence I find that the tenant has been duly served.

The landlord's undisputed evidence is that as the result of the tenant leaving a heating pad on a chair in the rental unit, a fire started that effectively consumed the rental unit and the landlord's home above.

While the landlord was covered by insurance, that coverage did not include the landlord's lost time at work or the inconvenience and miscellaneous costs relating to having to move out while repairs occur and having to move back in again.

On the evidence I am satisfied that the landlord's uninsured cost will easily exceed the \$750.00 requested in this application and I award her \$750.00 as claimed, plus recovery of the \$100.00 filing fee for this application.

I authorize the landlord to retain the \$750.00 security deposit she holds, in reduction of the amount awarded. She will have a monetary order against the tenant for the remainder of \$100.00.

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: September 01, 2018

Residential Tenancy Branch