



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding FOUR GREEN PROPERTIES  
INC. and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDCL, FFL

### Introduction

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

- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

The landlord's agent, R.L. (the landlord) attended the hearing via conference call and provided affirmed testimony. The tenants did not attend or submit any documentary evidence. The landlord stated that the tenants were served with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail on April 9, 2020. The landlord confirmed that this address was found as the tenants had moved their manufactured home next to some friends of the landlord's agent as well as next to one of the tenant's parent. The landlord stated that he confirmed that the tenants reside at this address.

I accept the undisputed affirmed evidence of the landlord and find that the tenants were sufficiently served as per sections 88 and 89 of the Act. Despite not attending, I find that the tenants are deemed served as per section 90 of the Act.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order for money owed or compensation and recovery of the filing fee?

### Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

The landlord seeks a monetary claim of \$5,459.55 which consists of:

\$5,359.55	Cost of Enforcement of Order of Possession
\$100.00	Filing Fee

The landlord stated that an order of possession was granted which the landlord was forced to seek enforcement in the Supreme Courts. A writ of possession was granted and enforced with the assistance of bailiffs. The landlord stated that upon receiving a writ of possession, bailiffs enforced the writ by removing the tenants with the assistance of movers. The landlord incurred expense of \$5,574.38 for bailiff services, a locksmith and movers. The landlord received a cheque for proceeds of \$214.83 after the sale of a trailer, boat and motor left by the tenants leaving a total expense incurred of \$5,359.55.

In support of this claim the landlord has submitted copies of:

Order of Possession  
Writ of Possession  
Final Invoice from Bailiff  
Invoice from Movers

### Analysis

Section 67 of the *Act* establishes that if damage or loss results from a tenancy, an Arbitrator may determine the amount of that damage or loss and order that party to pay compensation to the other party. 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 of the *Act* 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.

I accept the undisputed affirmed evidence of the landlord and find that the landlord has established a claim for compensation totalling \$5,359.55 based upon the submitted copy of the Bailiffs detailed accounting. The landlord submitted copies of the issued

order of possession, the issued writ of possession and the receipt of peaceful possession. The landlord's monetary claim is supported based upon the Bailiffs detailed accounting invoice.

I also find that the landlord is entitled to recovery of the \$100.00 filing fee.

### Conclusion

The landlord is granted a monetary order for \$5,459.55.

This order must be served upon the tenants. Should the tenants fail to comply with this order, the 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 14, 2020

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Residential Tenancy Branch