



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1047469 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MND, MNR, OPC, OPR

Introduction

This is an application brought by the Landlord requesting an Order of Possession, requesting a monetary order for \$25,000.00, and requesting recovery of the \$100.00 filing fee

The applicant testified that the respondent was served with notice of the hearing by personal service on September 21, 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.

The landlord's testimony was taken under affirmation.

Issue(s) to be Decided

At the beginning of the conference call the landlord testified that the tenant has vacated the rental unit and therefore an Order of Possession is no longer required.

The issue I dealt with today therefore 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 December 1, 2015 with a monthly rent of \$3400.00, due on the first of each month.

The applicant further testified that the tenant stopped paying rent at the end of May 2016, and therefore when the tenant vacated there was a total of four months' rent outstanding.

The applicant further testified that the tenant did unauthorized alterations to the rental unit, and as a result the City of Vancouver made a determination that the house was not livable and ordered that it be vacated.

The applicant further testified that originally they had applied for the cost of repairs to the rental unit; however the owner has now decided to simply board up the property to await demolition.

The applicant applied for a monetary order as follows:

| | |
|------------------------------------|------------|
| June 2016 rent outstanding | \$3400.00 |
| July 2016 rent outstanding | \$3400.00 |
| August 2016 rent outstanding | \$3400.00 |
| September 2016 rent outstanding | \$3400.00 |
| Electrical repairs estimate | \$6000.00 |
| Plumbing repairs estimate | \$3000.00 |
| Structural damage repairs estimate | \$2400.00 |
| Filing fee | \$100.00 |
| Total | \$25100.00 |

Analysis

I accept the landlord sworn testimony that the tenant failed to pay any rent for the months of June 2016 through September 2016 and I therefore allow that portion of the landlords claim.

I will not allow the landlords claim for electrical repairs, plumbing repairs, or structural damage, at this time, because the landlord has provided no independent estimates of the cost of repairing the damage, nor has that damage been repaired. That portion of the claim will therefore be dismissed with leave to reapply.

As I have allowed a large portion of the landlords claim, I will allow the landlords request for recovery of the \$100.00 filing fee.

Conclusion

Pursuant to section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$13,700.00.

The remainder of the landlord's monetary claim is dismissed with leave to reapply.

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: November 22, 2016

Residential Tenancy Branch