



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This matter dealt with an application by the landlord for a monetary order and to retain a security deposit in relation to unpaid rent and damages.

At the hearing, the landlord was represented but there were no appearances by the tenants. The landlord has provided evidence by way of registered mail that two of the tenants had been served notice of this hearing via registered mail sent July 16, 2008. The tenants are deemed to have been served on the 5th day after they were mailed and as such I find that two of the three named tenants have been served. The landlord did not submit written proof that one of the tenants had been served and as such that tenant will not be subject to any order issued as a result of this application.

Issues(s) to be Decided

Is the landlord entitled to a monetary order for the unpaid rent, damages and liquidated damages as sought in the application?

Background and Evidence

The landlord has provided documentary evidence that the tenancy commenced on March 1, 2008 and that the monthly rent payable was \$1300.00. The landlord also collected a security deposit of \$650.00 on February 20, 2008.

The term of the tenancy was for one year and contained a clause for liquidated damages of \$250.00 in the event that the tenants ended the tenancy early. On May 25, 2008, the tenants gave written notice to end the tenancy effective June 30, 2008. The tenants vacated the premises on or about June 17, 2008.

The landlord has claimed unpaid rent in the amount of \$446.00 as two of the tenants had made rent payments in June but one had not, leaving a balance outstanding. The landlord has also claimed for cleaning of the rental unit, namely carpets, windows and fridge and stove as well as for new locks. The landlord in support of the claims has submitted a move out inspection report that was not attended by the tenants as they



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had already vacated. The claim for the locks is due to only one of the tenants returning the keys and that there were two sets outstanding.

Analysis

I find that the landlord has established that they are entitled to a claim of \$905.50 which includes unpaid rent, liquidated damages, cleaning, lock replacement and the filing fee for this application. The landlord currently holds a security deposit of \$655.65 which includes accrued interest.

Conclusion

I order that the landlord may retain the security deposit plus interest in the amount of \$655.65 and grant an order for the balance of \$249.85. The order will be granted only in regards to the two tenants named on the orders that I have determined were properly served the notice of this hearing. The order may be filed with and enforced as an order of the Provincial Court of British Columbia.

Dated: September 18, 2008

Dispute Resolution Officer