



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNR MNSD OPR FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent served September 15, 2008 by posting. The landlord also sought a Monetary Order for the unpaid rent, loss of rent and filing fee for this proceeding, and authorization to retain the security deposit in set off against the balance owed.

As the tenant vacated the rental unit on September 27, 2008, the landlord withdrew the request for an Order of Possession.

Despite being served with the Notice of Hearing sent by registered mail on September 17, 2008, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to a Monetary Order for the unpaid rent, loss of rent, damages and filing fee, and authorization to retain the security deposit in set off.

Background and Evidence

This tenancy began April 15, 2008. Rent was \$960 per month and the landlord holds a security deposit of \$480 paid on March 20, 2008.

During the hearing, the landlord gave evidence that the notice to end tenancy had been served when the tenant's September rent cheque was returned NSF.

The landlord gave evidence that she had attempted to show the rental unit to prospective new tenants for October 1, 2008, but that even though the tenant had been given 24-hours notice at home and at work, she refused to permit the unit to be shown.

That combined with the fact that, when she did gain entry after the tenant vacated, she found damages and cleaning work required to such an extent that it was not possible to have the unit ready for occupancy in early October. Therefore, the landlord seeks the loss of rent for October in addition to the unpaid rent for September.

The landlord also gave evidence that she contracted with a single firm, Euro Enterprises, to conduct the cleaning and repairs and refuse disposal and was billed a total of \$1,280.

Analysis

I find that the landlord is entitled to recover the unpaid rent for September, the loss of rent for October, costs of cleaning, refuse disposal and repairs to the unit, and recovery of the filing fee for this proceeding.

I further find that the landlord is entitled to retain the security deposit in set off against the balance owed, resulting in a Monetary Order calculated as follows:

September rent	\$ 960.00
October loss of rent	960.00
Euro Enterprises billings for cleaning, disposal and repairs	1,280.00
Filing fee	<u>50.00</u>
Sub total	\$3,250.00
Less retained security deposit	- 480.00
Less interest (March 20, 2008 to date)	<u>- 4.17</u>
TOTAL	\$2,765.83

Conclusion

Thus, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for \$2,765.83, for service on the tenant.

Dated: October 17, 2008