



Dispute Resolution Services

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

DECISION

Dispute Codes: MNSD, MNDC, MNR and FF

Introduction

This application was brought by the landlords seeking a Monetary Order for unpaid rent, damage to the rental unit and recovery of the filing fee for this proceeding. By consent, the landlord has retained the security deposit in set off against the balance.

Despite being served with the Notice of Hearing sent by registered mail on January 12, 2009, 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 matter requires a decision on whether the landlord has proven damages and losses. that the tenant was responsible for those, and that he amount claimed is the actual or appropriate cost of remediation.

Evidence

This tenancy ran from May 1, 2008 to November 30, 2008 under a fixed term rental agreement and ended on the landlord's Notice to End Tenancy for unpaid rent served on November 5, 2008. A security deposit of \$1,250 was paid on April 10, 2008.

During the hearing, the landlord submitted an agreement in which tenant acknowledged the unpaid rent, accepted responsibility for a broken window, relinquished the security deposit and acknowledge a repayment schedule. The landlord also submitted a copy of a cheque from the tenant for \$350 and dated December 20, 2008 which was returned NSF.

Since the agreement was signed, the landlord incurred and claims a further \$1,250 for loss of rent for December 2008 as he was not able to have new tenants move in to the rental unit until December 15, 2008. In addition, the landlord claims \$60 cleaning fees and \$100 disposal fees.

Analysis

I find that the landlord is entitled to a Monetary Order for all claims submitted, plus recovery of the filing fee for this proceeding, calculated as follows:

November rent	\$2,500.00
December loss of rent	1,250.00
Repair of window (per receipt)	613.03
Cleaning	60.00
Hauling fees	100.00
Filing fee	<u>50.00</u>
Sub total	\$4,573.03
Less retained security deposit	- 1,250.00
Less interest (April 10, 2008 to November 30, 2008)	- <u>12.04</u>
TOTAL	\$3,310.99

Thus, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for the balance of \$3,310.99 for service on the tenant.

March 10, 2009.

Dispute Resolution Officer