



Dispute Resolution Services

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

Decision

Dispute Codes: MND, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the notice of hearing and application for dispute resolution by registered mail on February 11, the tenant did not participate in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to a monetary order as requested?

Background and Evidence

The landlord's agent testified that the tenancy began on July 1, 2008. The parties entered into a fixed term tenancy agreement which was set to expire on June 30, 2009 and set the rental rate at \$880.00 per month for rent plus \$15.00 per month for parking. The landlord's agent testified that the tenant did not pay rent in the month of November and on or about November 12, the building manager discovered that the tenant had abandoned the rental unit. The landlord was able to re-rent the unit for November 16 and seeks to recover \$435.00 in prorated rent for November, a \$20.00 late payment fee pursuant to the terms of the tenancy agreement and liquidated damages of \$325.00 pursuant to the terms of the tenancy agreement. The landlord also seeks to recover the cost of cleaning the rental unit, carpets and drapes and provided invoices showing how much was paid for each of those claims.

Analysis

I accept the undisputed testimony of the landlord's agents and find that the landlord has established this claim as outlined below.

November 1-15 rent	\$ 435.00
Late payment fee	\$ 20.00
Liquidated damages	\$ 325.00
Cleaning	\$ 132.00
Drape cleaning	\$ 40.00
Carpet cleaning	\$ 84.00
Filing fee	\$ 50.00
Total:	\$1,086.00

Conclusion

I order that the landlord retain the deposit and interest of \$443.80 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$642.20. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated April 14, 2009.