



Dispute Resolution Services

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

Decision

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

Introduction

This hearing dealt with an application from the landlords for a monetary order as compensation for unpaid rent / loss of rental income, costs for cleaning, garbage removal and repair to damage, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee for this application. The landlords participated in the hearing and gave affirmed testimony.

As the tenant has vacated the unit, the landlords withdrew their earlier application for an order of possession.

By decision dated May 12, 2009, the landlords were authorized to serve the application for dispute resolution and notice of hearing package on the tenant by way of substituted service in care of the tenant's parents. Despite being served in this way by posting of the package on the tenant's parents' door on May 27, 2009, the tenant did not appear.

Issue to be decided

- Whether the landlords are entitled to a monetary order under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on October 1, 2008. Rent in the amount of \$600.00 was payable on the first day of the month, and a security deposit of \$300.00 was collected on September 25, 2008.

The tenant failed to pay rent for February 2009. After being served by the landlords with notice to vacate the unit, the tenant is understood to have left on or about February

21, 2009. The tenant provided the landlords with no forwarding address. New renters were found for the unit effective from April 1, 2009.

Evidence submitted by the landlords includes photos showing the condition of the unit following the end of tenancy, in addition to receipts in support of a claim for compensation associated with extensive cleaning and repairs required in the unit.

Analysis

Despite his failure to appear at the hearing, based on the documentary evidence and undisputed testimony of the landlords, I find that the tenant was properly served with the application for dispute resolution and notice of hearing package.

As for a monetary order, I find that the landlords have established a claim of \$6,843.40. This is comprised as follows:

\$ 600.00	unpaid rent for February 2009
\$ 600.00	loss of rental income for March 2009
\$5,593.40	cleaning, garbage removal, painting, replacement of carpets, miscellaneous repairs, related materials and supplies
<u>\$ 50.00</u>	application filing fee

Total: \$6,843.40

The landlords submitted no receipts into evidence to support the estimated value of \$50.00 for two missing portable electric heaters. I therefore dismiss that aspect of their claim.

Section 72 of the Act addresses **Director's orders: fees and monetary orders**. With the exception of the filing fee for an application for dispute resolution, the Act does not provide for the award of costs associated with litigation to either party to a dispute. Accordingly, the landlord's claim for costs associated with registered mailing (\$10.00) and photo developing (\$2.66) are dismissed.

I order that the landlords retain the security deposit of \$300.00 plus interest of \$1.20 and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$6,542.20 (\$6,843.40 - \$301.20).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlords in the amount of **\$6,542.20**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: June 26, 2009

Dispute Resolution Officer