



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 the landlord's application for a monetary order as compensation for damage to the unit, unpaid rent / loss of rental income, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenants did not appear.

As the tenants vacated the unit subsequent to the landlord's application, certain aspects of the original application were withdrawn, including application for an order of possession.

Issues to be decided

- Whether the landlord is entitled to any or all of the above

Background and Evidence

There is no written residential tenancy agreement in place for this month-to-month tenancy which began on July 1, 2007. Rent in the amount of \$730.00 was payable on the first day of the month, and a combined security deposit / pet damage deposit of \$375.00 was collected at the outset of tenancy. The landlord herself rented the property from the owner of the unit, and sublet to the tenants.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated June 4, 2009. The notice was served by posting on the tenants' door. Subsequently, the tenants failed to pay the rent for June and are understood to have vacated the unit on or about July 2, 2009. The tenants provided no forwarding address to the landlord.

Further to retention of the security deposit, the landlord seeks to recover the following:

\$730.00 – unpaid rent for June

\$730.00 – loss of rental income for July

\$949.79 – replace carpet

\$51.97 – steam clean curtains

\$1,672.34 – replace sofa / loveseat

\$564.99 – replace mattress

\$617.40 – content removal

\$120.00 – cleaning the unit (10 hours x \$12.00/hr)

\$16.88 – registered mailing

\$14.25 – photo development

\$50.00 – filing fee

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated June 4, 2009. The tenants did not pay the outstanding rent for June or file an application to dispute the notice within 5 days of its receipt. Accordingly, pursuant to section 46(5) of the Act the tenants are conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Subsequent to receiving the notice the tenants vacated the unit in early July 2009 and it is understood that their current whereabouts is unknown.

As for the monetary order, I find that the landlord has established a claim of \$2,299.37, which is comprised as follows:

\$730.00 – unpaid rent for June

\$730.00 – loss of rental income for July

\$51.97 – steam clean curtains

\$617.40 – content removal

\$120.00 – cleaning the unit

\$50.00 – filing fee

I order that the landlord retain the combined security / pet damage deposit of \$375.00 plus interest of \$8.51 (total: \$383.51), and I hereby grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,915.86 (\$2,299.37 – \$383.51).

In association with the claim for costs for registered mailing and photos, I note that 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 related to litigation. Accordingly, the landlord's claim for these particular costs is dismissed.

As to other aspects of the claim as set out above, costs are estimates only and have not presently been incurred by the landlord. Further, where applicable, there is no move-in condition inspection and report, or move-out condition inspection and report in evidence before me in support of this claim.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$1,915.86**. This order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 6, 2009

Dispute Resolution Officer