

DECISION

Dispute Codes: MND, MNDC, MNSD and FF

Introduction

This application was brought by the landlord seeking a Monetary Order for damage to the rental unit, damage or loss under the legislation or rental agreement, recovery of the filing fee for this proceeding and authorization to retain the security and pet damage deposits in set off against any balance found owing.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to a Monetary Order for the claims presented and authorization to retain the security and pet damage deposits in set off against the balance owed.

Background and Evidence and Analysis

This tenancy began on August 1, 2009 under a fixed term agreement set to end on July 31, 2010. Rent was \$1,495 per month and the landlord holds a security deposit of \$747.50 and a pet damage deposit of \$200, both paid on July 1, 2009.

During the hearing, the parties gave evidence that the tenants had, on November 13, 2009 given notice of their intention to conclude the tenancy on November 30, 2009 in breach of the fixed term rental agreement and section 45 of the *Act*. The landlord gave evidence that, despite advertising on Craigslist and signage on the building, customary mediums that normally succeed for the location, new tenants were not found until January 26, 2010.

The landlord makes claim for loss of rent for December 2009.

The landlord also makes claim for liquidated damages of \$300, carpet cleaning of \$70, flea treatment of \$84.78 as per the rental agreement and recovery of the filing fee for this proceeding.

The tenants concurred with all claims. Therefore, I find that the landlord is entitled to a Monetary Order calculated as follows:

Loss of rent for December 2009	\$1,495.00
Liquidated damages	300.00
Carpet cleaning	70.00
Flea removal	84.78
Filing fee	50.00
Sub total	\$1,999.78
Less retained security deposit (no interest due)	- 747.50
Less retained pet damage deposit (no interest due)	- 200.00
TOTAL	\$1,052.28

Conclusion

In addition to authorization under section 72(2)(b) of the *Act* to retain the tenants' security and pet damage deposits in set off, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for **\$1,052.28** for service on the tenants.

April 26, 2010