

DECISION

Dispute Codes:

MND, MNR, MNSD, MNDC, OP, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for a monetary Order and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord's agent provided testimony that on November 19, 2009 he spoke with the tenant in an attempt to arrange a payment schedule for the money owed to the landlord. At this time the tenant confirmed his forwarding address, which was also provided on the September 30, 2009, move-out condition inspection report signed by the tenant. On December 15, 2009 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant at his forwarding address via registered mail. A Canada Post tracking number was provided as evidence of service.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

Preliminary Matter

The tenant has moved out of the rental unit; therefore the portion of the Application requesting an Order of possession was withdrawn.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for damages to the rental unit, for unpaid rent and compensation for damage or loss?

May the landlord retain the deposit in partial satisfaction of the claim for compensation?

Is the landlord entitled to filing fee costs?

Background and Evidence

This tenancy commenced on September 1, 2008 and terminated on November 30, 2009. Rent was \$735.00 per month. On August 19, 2008 the tenant paid a deposit in the sum of \$367.50.

The tenant signed a move in condition inspection report on September 1, 2008 and a move-out condition inspection report on November 30, 2009. The move-out condition inspection included agreement by the tenant that he owed the landlord:

Unpaid rent (245.00 August, 735.00 September, 40.00 parking)	1,020
Carpet cleaning	90.00
Drape cleaning	80.00
Additional unit cleaning	30.00
	1,245.00

The inspection report indicated that the landlord could retain the deposit in partial satisfaction of the costs.

The landlord submitted verification of costs agreed to by the tenant; however several of the receipts were for amounts that exceed the estimates given on the condition inspection as the actual costs was unknown at the time the inspection report was completed.

The landlord provided a copy of the tenancy agreement which included terms for late fees, rent payment and cleaning requirements.

Analysis

In the absence of the tenant at this hearing, based upon the evidence before me and testimony of the landlord, I find that the landlord is entitled to unpaid rent and costs claimed that are supported by receipts. I also base this decision on the tenant's acknowledgment contained on the move-out condition inspection report.

	Claimed	Accepted
Late fee	25.00	25.00
Carpet cleaning	90.00	120.00
Drape cleaning	80.00	91.82
Additional unit cleaning	30.00	30.00
	1,245.00	1,286.82

The landlord is holding a deposit plus interest in the sum of \$369.55 and I find the landlord is entitled to retain this amount in partial satisfaction of the claim for compensation.

I find that the landlord's application has merit, and that the landlord entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the landlord established a monetary claim, in the amount of \$1,336.82, which is comprised of loss, damage and unpaid rent in the sum of \$1,286.82 and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will retain the deposit plus interest in the sum of \$369.55 in partial satisfaction of the claim for compensation.

Based on these determinations I grant the landlord a monetary Order for **\$967.27**. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: May 18, 2010.

Dispute Resolution Officer