

DECISION

Dispute Codes MND, MNR, MNSD, 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. The landlord testified that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on May 13. The registered letters were returned to the landlord as unclaimed. The tenants cannot avoid service by failing to collect their registered mail and I find that they have been properly served with notice of the hearing. The hearing proceeded in their absence.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenancy began in May 2009 at which time the tenants paid a \$312.50 security deposit. Rent was set at \$625.00. The tenants vacated the rental unit on April 30 without notice. The tenant C.O. participated in a condition inspection of the unit on the last day of the tenancy and signed that she agreed with the following charges: \$22.50 for suite cleaning, \$80.00 for carpet cleaning and \$260.00 for repairs. The landlord testified that repairs cost \$125.25 to replace a damaged bathroom door and \$150.00 to replace living room blinds which were damaged. The landlord seeks to recover the costs which were agreed to by the tenants in addition to the actual cost of repairs, lost income for the month of May and the \$50.00 filing fee paid to bring this application.

Analysis

I accept the undisputed testimony of the landlord. I find that the tenants agreed that they were responsible for suite cleaning, carpet cleaning and repairs. I find that the \$15.25 difference between the actual and estimated cost of repairs should be recoverable. I further find that the landlord is entitled to recover the income lost as a result of the tenants' failure to give adequate notice to end the tenancy. I award the landlord the following:

Suite cleaning	\$ 22.50
Carpet cleaning	\$ 80.00
Bathroom door replacement	\$ 125.25
Blind replacement	\$ 150.00
Loss of income	\$ 625.00
Filing fee	\$ 50.00
Total:	\$1,052.75

Conclusion

The landlord is awarded \$1,052.75. I order the landlord to retain the \$312.50 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of \$740.25. This order may be filed in the Small Claims Division of the Provincial Court.

Dated: June 30, 2010
