

DECISION

Dispute Codes

MND, MNR, MNSD, FF

Introduction

This was a verbally mended application by the landlord for a monetary order for damage to the unit, compensation for loss of revenue / rent for the month of December 2009, and inclusive of the filing fee. The landlord also applied for an Order to retain the security deposit in partial satisfaction of the monetary claims. The landlord participated in the hearing. The tenant did not attend although served with the application and Notice of Hearing sent by registered mail in compliance with section 89 of the Act.

Issue(s) to be Decided

Is the landlord entitled to a monetary order in the amount claimed?

Background and Evidence

The undisputed testimony of the landlord is as follows. The tenancy began August 31, 2008. The landlord collected a security deposit of \$395. Rent was \$800 per month. The tenant gave a Notice to End on November 19, 2009 and completely vacated December 07, 2010. The tenant left the rental unit generally unclean, and further requiring carpet cleaning and cleaning of the drapes as per tenancy agreement. The landlord claims that due to the late notice and the tenant's over holding the landlord could not re-rent the unit for December and is claiming loss of revenue for December 2009 in the amount of \$800. The landlord claimed cleaning costs of \$155.25, carpet cleaning of \$84.00, drapes cleaning of \$40 and \$10 for photos – for this hearing. The landlord provided evidence for all claims.

Analysis

I accept the landlord's testimony and documentary evidence submitted as establishing that they incurred the amounts claimed and that they are entitled to total compensation

as claimed in the amount of \$1079.25. I have not allowed the claim for \$10 as photos for this hearing are litigation costs, which are not compensable. The landlord is entitled to recover the \$50 filing fee paid for his application for a total award of **\$1129.25**.

Conclusion

I order that the landlord retain the deposit and interest of \$395 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$734.25**. If necessary, this order may be filed in the 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*.