

## **Decision**

**Dispute Codes:** MNR, MND, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord for a monetary order as compensation for unpaid rent, compensation for damage to the unit, site or property, retention of the security deposit, 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 tenant did not appear.

### **Issues to be decided**

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

### **Background and Evidence**

Pursuant to a written tenancy agreement, the original fixed term of tenancy was from December 15, 2005 to December 15, 2007. Thereafter, tenancy continued on a month-to-month basis. Monthly rent was \$775.00, and a security deposit of \$387.50 was collected on December 15, 2005.

The landlord is unable to confirm the date when the tenant herself vacated the unit. In February 2010, however, he discovered that she had given the unit keys to someone else who was occupying the unit. With the help of police, the landlord had the new tenant(s) evicted in February 2010. New renters were found effective March 1, 2010.

Following this, the landlord called an emergency contact telephone number belonging to the tenant's daughter, which the tenant had provided on the tenancy agreement. The tenant's daughter informed the landlord of the tenant's mailing address. The landlord then served the tenant by way of registered mail at this address with the application for

dispute resolution and notice of hearing. Thereafter, the tenant called the landlord and informed him of her intention not to pay any outstanding rent, utilities or other costs.

While the landlord also delivered a copy of the application for dispute resolution and the notice of hearing to the tenant's place of employment, he did not personally serve the hearing package on her there.

### **Analysis**

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca/](http://www.rto.gov.bc.ca/)

The various aspects of the landlord's claim and my findings around each are set out below.

**\$3,100.00**: *unpaid rent @ 4 x \$775.00 (November & December 2009, January & February 2010).*

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find the landlord has established entitlement to the full amount claimed.

**\$495.75**: *unpaid electrical utility (\$92.17 & \$285.68 & \$117.90).*

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find the landlord has established entitlement to the full amount claimed.

**\$380.00**: *cleaning & painting (\$230.00 & 150.00).*

In the absence of either a move-in or move-out condition inspection report, photographs or receipts, this aspect of the landlord's claim is hereby dismissed.

\$37.07: *advertising*.

I find that the tenant should not bear the landlord's cost of advertising for new renters following the end of a month-to-month tenancy. This aspect of the landlord's application is therefore dismissed.

\$50.00: *filing fee*.

As the landlord has achieved some success in his application, I find he is entitled to recovery of the full amount claimed.

Sub-total: \$3,645.75

Pursuant to the above, I find that the landlord has established a claim of \$3,645.75. I order that the landlord retain the security deposit of \$387.50 plus interest of \$13.72, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$3,244.53 (\$3,645.75 - \$401.22).

### **Conclusion**

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$3,244.53**. This order may be served on the tenant, and should it be necessary, filed in the Small Claims Court and enforced as an order of that Court.

DATE: July 20, 2010

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Dispute Resolution Officer