

DECISION

Dispute Codes MT, CNR, FF, OPR, OPB, MND, MNR, MNSD, MNDC

Introduction

This hearing dealt with applications from both the landlord and the tenant pursuant to the *Residential Tenancy Act* (the *Act*). The tenant applied for more time to make an application to cancel the landlord's notice to end tenancy pursuant to section 66, cancellation of the landlord's notice to end tenancy for unpaid rent pursuant to section 46 and recovery of the filing fee for this application from the landlord pursuant to section 72. The landlord applied for the following:

- an Order of Possession pursuant to section 55;
- a monetary Order pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit pursuant to section 38; and
- recovery of the filing fee for this application from the tenant pursuant to section 72.

The tenants did not attend the hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord said that she posted a 10 Day Notice to End Tenancy for Unpaid Rent on the tenants' door on July 5, 2010. She testified that she sent the tenants a copy of her application for dispute resolution package on July 16, 2010 by registered mail. She provided a Canada Post Tracking Number for this mailing. She said that she did receive the tenants' application for dispute resolution on July 8, 2010. I am satisfied that the parties served one another with their notices and with their applications for dispute resolution in accordance with the *Act*.

The landlord said that the tenants vacated the rental premises on July 14, 2010. She has no forwarding address for them. She said that the premises were rented to other tenants as of August 15, 2010. She said that she no longer requires an Order of Possession.

Issues(s) to be Decided

Is the landlord entitled to a monetary order? Is the landlord entitled to retain the tenants' security deposit in partial satisfaction of the monetary order requested? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord testified that this month-to-month tenancy commenced on April 1, 2010. The tenants were paying \$600.00 per month, payable on the first of each month. The landlord testified that she continues to hold the tenants' \$300.00 security deposit plus interest paid on April 1, 2010.

The landlord said that she issued the 10 Day Notice to End Tenancy for Unpaid Rent because the tenants failed to pay their \$600.00 rent for July 2010. The effective date cited on the end of tenancy notice was July 14, 2010. She testified that the tenants did not pay their July 2010 rent and requested a monetary order for this amount. She also said that the tenants did not clean the rental premises properly. She testified that there were \$100.00 in cleaning costs and \$100.00 in damage to the rental premises caused by the tenants. She also asked for recovery of her filing fee for this application.

Analysis

As no one appeared to represent the tenants, I dismiss their application without leave to reapply.

On the basis of the undisputed evidence presented, I grant the landlord a monetary award for the tenants' unpaid rent for July 2010. I do not include the landlord's claim for cleaning costs and repair costs in this monetary award as the landlord presented no photographs, invoices or receipts for any of these costs. As the landlord has been partially successful in her application, I allow her to recover the cost of her filing fee for

this application from the tenants. As outlined below, I also allow her to retain all of the tenants' security deposit in partial satisfaction of this monetary order.

Item	Amount
Unpaid July 2010 Rent	\$600.00
Less Security Deposit	-300.00
Recovery of Filing Fee for this application	50.00
Total Monetary Award	\$350.00

Conclusion

I dismiss the tenant's application for dispute resolution without leave to reapply.

I grant the landlord a monetary order in the amount of \$350.00. This monetary order allows the landlord to retain the tenants' security deposit and to recover the landlord's filing fee for this application from the tenants.

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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*.