



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

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

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent, loss of income, cleaning and repair costs and the filing fee. The landlord applied to retain the security deposit in partial satisfaction of her claim.

The landlord testified that she served the notice of hearing by registered mail to the tenant and provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent, loss of income, the cost of repairs and cleaning and the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on August 17, 2009 for a fixed term of one year. Prior to moving in, the tenant paid a security deposit of \$425.00. The monthly rent was \$850.00, payable on the first day of each month.

The landlord testified that in the last week of January 2010, the tenant paid \$650.00 towards rent for February. He acknowledged that he owed \$200.00 and informed the landlord that he would pay this amount in the first week of February. Sometime in the middle of February, the tenant called the landlord to let her know that he had moved out of the rental unit and agreed to pay for cleaning the suite in addition to the rent owed.

Even though the tenant had moved out, his girlfriend and mother were still in occupation of the unit and they moved out at the end of February. The landlord stated that she advertised the availability of the unit immediately and had some showings. A new tenant was found for April 01, 2010.

The landlord is claiming the following:

1.	Unpaid rent	\$200.00
2.	Loss of income for March	\$850.00
3.	Cleaning	\$437.81
4.	Fix broken fence	\$200.00
5.	Registered mail	\$19.24
	Total	\$1,707.05

The landlord filed an invoice for costs incurred to clean the unit.

Analysis

Based on the documentary and oral evidence of the landlord and in the absence of any contradictory evidence from the tenant, I find that the tenant owed \$200.00 for rent for February. The tenant moved out without giving the landlord adequate notice to end the fixed term tenancy. The landlord attempted to mitigate her losses by advertising the availability of the unit and found a tenant for April 01, 2010, thereby incurring a loss of income for March. I find that the landlord is entitled to \$850.00 for March.

The landlord filed an invoice to support her claim of \$437.81. Therefore I find that the landlord is entitled to this amount. The landlord did not file any evidence to support her claim of \$200.00 to fix the broken fence and therefore has not proven her claim for this amount. The legislation does not permit me to award any litigation related costs other than the filing fee. Therefore the landlord's claim for the cost of registered mail is dismissed. Since the landlord has proven her case, she is also entitled to the filing fee of \$50.00.

Overall the landlord has established a claim for unpaid rent (\$200.00), loss of income (\$850.00), cleaning (\$437.81) and the filing fee (\$50.00), for a total of \$1,537.81.

I order that the landlord retain the security deposit of \$425.00 in satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,112.81. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$1,112.81**

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: September 13, 2010.

Dispute Resolution Officer