

DECISION

Dispute Codes:

MNDC, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for compensation for damage or loss, under the Act.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

Preliminary Matter

The details of the dispute indicated that the landlord was seeking compensation for unpaid rent and damages to the rental unit. I have amended the application to reflect the landlord's submission made within the details of the dispute section of the application.

Issue(s) to be Decided

Is the landlord entitled to compensation for unpaid rent and damage to the rental unit in the sum of \$2,692.18?

Background and Evidence

The tenancy commenced on March 1, 2009, rent was \$1,250.00 due on the first of each month. A deposit in the sum of \$625.00 was paid on February 21, 2009.

The tenants vacated the rental unit by agreement on June 7, 2010, as they had not paid rent. The tenants did not dispute the landlord's submission in relation to the landlord's attempts to have the tenant's attend the move-out condition inspection or in relation to the claim for damages made and unpaid rent owed. The tenants confirmed that the landlord claim has merit and that they owe the landlord the sums claimed as follows:

Unpaid rent April, 2010	50.00
Unpaid rent June, 2010, pro-rated	291.00
Stove replacement	189.00
Cleaning of unit	650.00
Carpet replacement, master bedroom	467.00
Garbage removal	175.46
Change locks	73.22
Garbage removal by new tenant	171.50
TOTAL	3,317.18

The landlord provided copies of receipts supporting the claims made and a copy of the condition inspection report.

Analysis

The tenants did not dispute the claim made; therefore, I find that the landlord is entitled to the amount claimed on the application; \$2,692.18.

Section 72(2) of the Act provides a dispute resolution officer with the ability to deduct any money owed by a tenant to a landlord, from the deposit due to the tenant. Therefore, I find that the landlord may retain the tenant's security deposit in the amount of \$625.00, in partial satisfaction of the monetary claim.

Conclusion

I find that the landlord has established a monetary claim, in the amount of \$2,692.18, which is comprised of damage to the rental unit and unpaid rent.

The landlord will be retaining the tenant's security deposit in the amount of \$625.00, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance of \$2,067.18. In the event that the tenants do not comply with this Order, it may be served on the tenants, filed with the Province of British Columbia 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*.

Dated: December 17, 2010.

Dispute Resolution Officer