

DECISION

Dispute Codes MNR, MND, MNSD, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent. The tenants did not appear.

The landlord provided documentary confirmation that the notice of hearing documents were served on the tenants on October 26, 2010 via registered mail to the forwarding address provided by the tenants when they returned their keys. Section 90 of the *Act* states a document sent by mail is deemed served on the 5th day after it is mailed.

Based on the written submissions of the landlord, I find that the tenants have been served with the notice of hearing documents.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for damage to the rental unit; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 26, 37, 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted into evidence the following documents:

- A copy of a tenancy agreement signed by the parties on March 11, 2008 for a 1 year fixed term tenancy beginning on April 1, 2008 that converted to a month to month tenancy on April 1, 2009 for a monthly rent of \$1,200.00 due on the 1st of each month and security deposit of \$600.00 was paid. The tenancy ended when the tenants vacated the rental unit on October 15, 2010;
- A copy of a 1 Month Notice to End Tenancy for Cause dated September 23, 2010 with an effective date of October 31, 2010 citing the tenant was repeatedly late paying rent and that the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord;
- A copy of a Condition Inspection Report completed at the start of the tenancy recording the move in condition and completed at the end of the tenancy (October 15, 2010) recording the condition at that time;

- Copies of invoices for general cleaning; blind cleaning; wall repairs; painting; carpet cleaning; shower head and closet door replacement; and
- 30 photographs showing the condition of the rental unit.

The landlord testified that the tenants had been issued the notice to end tenancy for cause but failed to pay the rent for the month of October 2010.

Analysis

Section 26 of the *Act* requires tenants to pay rent when it is due under the tenancy agreement, despite the tenants obvious acceptance of the 1 Month Notice to End Tenancy for Cause, the tenancy was still in effect on October 1, 2010 and I find the tenants remain responsible for the rent for that month.

Section 37 requires the tenants, when vacating the rental unit, to leave the unit reasonably clean and undamaged except for reasonable wear and tear. I find, based on the evidence provided and in the absence of any evidence or testimony from the tenants to the contrary, the landlord has established the tenants failed to meet this obligation and has also established the value of the cost to the landlord of this failure.

Conclusion

I find that the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$2,158.00** comprised of \$1,200.00 rent owed; \$478.00 general cleaning, blind and carpet cleaning; \$430.00 wall repairs, painting, shower head and closet door replacement; and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$607.28 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$1,550.72**. This order must be served on the tenants and may be filed in the Provincial Court (Small Claims) 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: February 25, 2011.

Residential Tenancy Branch

Now that you have your decision...

You might want more information about what to do next.

If you do, visit the RTB website at www.rto.gov.bc.ca for information about:

- How and when to enforce an order of possession:
Fact Sheet RTB-103: Landlord: Enforcing an Order of Possession
- How and when to enforce a monetary order:
Fact Sheet RTB-108: Enforcing a Monetary Order
- How and when to have a decision or order clarified or corrected:
Fact Sheet RTB-111: Clarification or Correction of Orders and Decisions
- How and when to apply for the review of a decision:
Fact Sheet RTB-100: Review of a Residential Tenancy Branch Decision **(Please Note: Legislated deadlines apply)**

If you would like to personally speak with Residential Tenancy Branch (RTB) staff or listen to our 24 Hour Recorded Information Line, please call:

- Lower Mainland: 604-660-1020
- Victoria: 250-387-1602
- Elsewhere in BC: 1-800-665-8779

Contact any Service BC Centre or visit the RTB office nearest you. For current information on locations and office hours, visit the RTB web site at www.rto.gov.bc.ca