



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes MNDC, MNR, MND, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order for damage to the unit, unpaid rent or utilities, compensation for damage or loss and recovery of the filing fee. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issue(s) to be Decided

Are the landlords entitled to any of the above under the Act.

### Background and Evidence

This 1 year fixed term tenancy began July 2, 2008 with monthly rent of \$1500.00; the tenant paid a security deposit of \$750.00. On August 15, 2009 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent. The tenant vacated the rental property in August 2009.

The landlord testified that the tenant vacated the rental unit with rent unpaid for the months of May, June, July and August 2009. The landlord stated that when the tenant did vacate he did not make himself available for a move-out inspection and did not provide the landlord with forwarding address. The landlord in this application is seeking a monetary claim of \$6076.00 for the following:

May, June, July, August 2009 rent	\$5900.00
Illegal move-out charge from strata	\$50.00
Cleaning costs	\$126.00
<b>Total</b>	<b>\$6076.00</b>

### Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent, strata fees and cleaning costs. The tenant has not paid the rent owed the landlord, vacated the rental unit without cleaning it and did not pay the fine levied by the strata.

I find that the landlord has established a claim for \$6076.00 in unpaid rent, strata fees and cleaning costs.

The landlord is entitled to recovery of the \$100.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$6076.00 in unpaid rent, strata fees and cleaning costs. The landlord is also entitled to recovery of the \$100.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$750.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$5426.00** ( $\$6076.00 + \$100.00 = \$6176.00 - \$750.00 = \$5426.00$ )

A monetary order in the amount of **\$5426.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: March 22, 2011.

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Residential Tenancy Branch