

DECISION

Dispute Codes: MNR, MNDC, MND, MNSD and FF

Introduction

This hearing was convened following an application for review of a previous decision rendered December 15, 2010.

The original application was brought by the landlord on November 26, 2010 seeking a Monetary Order for unpaid rent, damage or loss under the legislation or rental agreement, damage to the rental unit, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

Both parties appeared at the hearing today and gave evidence under oath.

Issues to be Decided

Should the original Decision and Order rendered December 15, 2010 be varied or confirmed?

Background, Evidence and Analysis

This tenancy began on November 10, 2009. Rent was \$725 per month and the landlord holds a security deposit of \$362.50 paid at the beginning of the tenancy.

During the hearing, the landlord gave evidence that the tenant moved out of the rental unit on or about June 6, 2010 without having paid the rent for the month, and without giving notice or providing a forwarding address.

The tenant testified that he did give notice on April 30, 2010 that he would vacate by May 31, 2010. The tenant supplied a copy of the notice he said he gave to the landlord. The landlord says no such notice was ever received. The landlord confirmed that the tenant did not move out in May but moved out on June 6, 2010 without giving Notice and without paying June's rent.

The landlord claims and I find as follows:

Unpaid rent for June 2010 - \$725.00

In this I prefer the evidence of the landlord. The tenant testified that he did provide written notice to the landlord and he has submitted into evidence a copy of the notice he says he tendered to the landlord. However, the notice supplied in evidence is not a copy but is an original which can be determined because the impression of the ballpoint pen is apparent on the document. Based on a balance of probabilities I find this evidence to be manufactured and I therefore prefer the evidence of the landlord that the tenant did not give notice. I will therefore allow the landlord's claim for \$725.00 for rent for June 2010.

General Cleaning - \$75.00

The landlord stated that the suite had not been cleaned and claims five hours labour at \$15 per hour. The tenant says the rental unit was cleaned. I prefer the evidence of the landlord in this regard and find this claim to be reasonable. It is therefore allowed.

Painting - \$393.75

As noted on the move-in inspection form, the unit had been freshly painted at the beginning of the tenancy. The landlord stated that the tenant had smoked in the rental unit contrary to the rental agreement. The tenant says that he and his step-son only smoked outside the rental unit and never in the rental unit. The landlord says this cannot be so as the rental unit had a heavy odour of smoke and required repainting. Again, I prefer the evidence of the landlord in this regard and this claim is allowed.

Carpet cleaning - \$72.45

The tenant admitted that he did not shampoo the carpets when he vacated the premises. I will therefore allow this claim.

Drapes cleaning – \$45.00

Taking into account that the tenant smoked in the rental unit, this claim is allowed. Again, I prefer the evidence of the landlord in this regard and this claim is allowed.

Cleaning materials - \$10.00

I find this expense to be reasonable and this claim is allowed.

Filing fee - \$50.00

As the landlord's application has succeeded I find the landlord is entitled to recover the filing fee for this proceeding from the tenant.

Security deposit – (\$362.50)

I find that the landlord may retain the tenant's security deposit in set off against the balance owed.

Conclusion

Having made the same monetary awards as the previous decision maker, I will confirm the original decision and Order rendered December 15, 2010.

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*.