



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, MNSD, 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 unpaid rent, damage or loss under the Act; to retain the security deposit and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The agent for the landlord provided affirmed testimony that on February 8, 2011, each of the 3 tenants were served copies of the Application for Dispute Resolution and Notice of Hearing via registered mail to the forwarding addresses provided at the end of the tenancy on the condition inspection report and the notice ending tenancy given by the tenants. A Canada Post tracking number was provided as evidence of service to each of the 3 tenants.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenants did not appear at the hearing.

Issue(s) to be Decided

Is the landlord entitled to compensation in the sum of \$1,707.00 for unpaid February, 2011, rent?

Is the landlord entitled to compensation for cleaning and late fees?

May the landlord retain the deposit?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on September 1, 2010; rent was \$1,707.00 due on the first day of each month. A deposit in the sum of \$853.50 was paid. A copy of the tenancy agreement signed by the 3 tenants was supplied as evidence.

A copy of a notice given on January 18, 2011, ending the tenancy effective February 28, 2011, was supplied as evidence. The tenants vacated at the end of January 2011, and did not pay February rent owed.

The tenants signed a move-out condition inspection agreeing that the rental unit required cleaning. The landlord supplied invoices and records for cleaning (\$32.00,) drape cleaning (\$123.50) and carpet cleaning (\$85.00.) The landlord is claiming a \$25.00 late payment fee for February, as provided by a clause on page 3 of the tenancy agreement.

Analysis

I find, pursuant to section 44 of the Act, that the tenancy ended on January 31, 2011.

In the absence of evidence to the contrary, I find that the tenants did not pay rent owed for February, 2011 and that the landlord is entitled to compensation in the sum of \$1,707.00 for February rent revenue loss.

In the absence of the tenants at his hearing and, based on the acknowledgement of the tenants on the condition inspection report; I find that the landlord is entitled to cleaning costs in the sum of \$240.50.

I dismiss the claim for late February rent payment fee, as the tenants had vacated and the landlord has received compensation for loss of rent revenue vs. unpaid rent.

I find that the landlord's application has merit and that the landlord is entitled to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

I find that the landlord is entitled to retain the tenants' security deposit in the amount of \$853.50 in partial satisfaction of the monetary claim.

Conclusion

I find that the landlord has established a monetary claim, in the amount of \$1,997.50, which is comprised of \$1,707.00 loss of February, 2011, rent revenue; \$240.50 in cleaning costs and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will be retaining the tenant's security deposit plus interest, in the amount of \$853.50, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance of \$1,144.00. 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: June 02, 2011.

Residential Tenancy Branch