

## **DECISION**

Dispute Codes      MNDC, MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on June 14, 2011. 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.

### Issues to be Decided

Is the landlord entitled to a monetary order for loss of income and cleaning costs?

### Background and Evidence

The fixed term one year tenancy began on or about July 1, 2010 and ended on June 30, 2011. Rent in the amount of \$810.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$395.00 plus an \$80.00 deposit for a remote which was never returned.

The landlord testified to the following; a move in and move out condition inspection was conducted, the tenants agreed to the cleaning that was required, the tenant's moved out of the rental unit one month early on May 30, 2011, the tenants were seeking to break the lease but the landlord was not in agreement, the landlord is seeking \$250.00 in liquidated damages for breaking the lease, as well as \$222.88 for the cleaning of the carpets and drapes. The landlord was originally seeking one month's lost rent however the landlord amended their claim during the hearing to omit this portion.

Analysis

I accept the landlord's undisputed testimony. The landlord provided documentary evidence to support their claim.

As for the monetary order, I find that the landlord has established a claim for \$472.88. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$395.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$127.88 .This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$127.88. The landlord may retain the security deposit.

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: September 14, 2011.

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Residential Tenancy Branch