



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent, costs for cleaning and repairs and for the filing fee. The landlord also applied to retain the security deposit.

This dispute was originally scheduled to be heard on September 19, 2011. During that hearing the landlord stated that she had filed evidence to support her claim for a monetary order. Since there was no evidence present on the file, I adjourned the hearing to give the landlord an opportunity to resend the evidence.

The notice of the date and time of the adjourned hearing was sent to both parties by the Residential Tenancy Branch Office. The landlord had provided the tenant's address to which the notice was sent. The tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Was the tenant served the notice of hearing at his current address? Did the landlord file adequate evidence to support her claim for a monetary order for unpaid rent, cleaning and repair costs and for the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on September 01, 2009 and ended on August 31, 2010. The monthly rent was \$1,300.00 payable on the first of each month. The tenant paid a security deposit of \$650.00. The landlord stated that the tenant claimed that he paid a pet deposit too. The landlord did not file a tenancy agreement to support the amount of the deposit(s) paid by the tenant.

The landlord also stated that the tenant provided his forwarding address by email but did not file a copy of the email and was unable to provide the date of the receipt of the forwarding address. The landlord stated that she met the tenant and spoke with him. He confirmed the receipt of the notice of hearing.

The landlord is claiming the cost of cleaning and painting, but did not file any evidence to support her claim. She is also claiming loss of income for September 2010 which resulted from the late notice to end tenancy given by the tenant. Again, the landlord did not file any evidence to support her claim for loss of income.

Analysis

Based on the sworn testimony of the landlord, I find that the tenancy ended ten months prior to the landlord's application. The landlord did not file any evidence to support the date of the receipt of the forwarding address. Since at the time of the hearing, the tenancy had ended over one year ago, there was no evidence to confirm that the address that the landlord has provided for the tenant is his current address. In addition, the landlord did not file any evidence to support her claim for the cost of cleaning and painting and for loss of income.

Since the tenant did not attend the hearing and the landlord did not provide adequate evidence, I dismiss this application with leave to reapply. The landlord must bear the cost of filing this application.

Conclusion

The landlord's application is dismissed with leave to reapply.

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: October 26, 2011.
