



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing dealt with applications by both the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for a monetary order for unpaid rent for July 2011, for the cost of cleaning and repairs and for the filing fee. The landlord also applied to retain the security deposit. The tenant applied for the return of double the security deposit.

The landlord served the notice of hearing by registered mail and a filed tracking number. Despite being served with the notice of hearing and having applied for dispute resolution, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions. Since the tenant did not attend this hearing, his application is dismissed without leave to reapply.

These parties had attended a prior hearing, on July 05, 2011. The landlord testified that he was awarded an order of possession and a monetary order for rent for July 2011 (file #760537). Accordingly, the issue of rent for July 2011 has been dealt with and therefore was not addressed during this hearing.

Issues to be decided

Is the landlord entitled to a monetary order for 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 December 01, 2010 for a fixed term of one year. The rent was \$1,150.00. Prior to moving in the tenant paid a security deposit of \$575.00 and a key (fob) deposit of \$50.00. The landlord filed a tenancy agreement that contains terms stating that at the end of the tenancy, the tenant must dry clean the drapes and steam clean the carpet.

Pursuant to the decision dated July 05, 2011, the tenant was ordered to move out and did so on July 15, 2011. The tenant gave the landlord his forwarding address and requested the return of his security deposit. A move out inspection was conducted in

the absence of the tenant and the landlord found that the unit was vacant but not clean, the drapes were not dry cleaned and the carpet was not steam cleaned.

The landlord filed a copy of the move out inspection report. The landlord also filed receipts signed by the tenant that indicated that he had received three laundry cards and would be required to pay \$10.00 per card if he did not return the cards to the landlord at the end of the tenancy. The landlord stated that the tenant did not return the laundry cards and the key (fob). The landlord stated that the tenant dumped furniture on the property and this was recorded by surveillance cameras and observed by the landlord's painters.

The landlord is claiming the following:

1.	Laundry cards not returned	\$30.00
2.	Key (fob) not returned	\$50.00
3.	Cleaning	\$179.20
4.	Garbage removal and disposal	\$179.20
5.	Steam cleaning of carpet	\$100.80
6.	Dry cleaning of drapes	\$77.74
7.	Filing fee	\$50.00
	Total	\$666.94

Analysis

Based on the sworn testimony of the landlord and in the absence of any contradictory evidence, I accept the landlord's evidence in respect of the claim. I find that the landlord has filed adequate documentary evidence to support his claim. Since the landlord has proven his claim, he is also entitled to the recovery of the filing fee of \$50.00.

The landlord also has a credit of \$25.00 from overpayment of rent by the tenant. I order that the landlord retain the security deposit of \$575.00, the key (fob) deposit of \$50.00 plus the overpayment of \$25.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$16.94. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$16.94**.

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 27, 2011.

Residential Tenancy Branch