



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNSD, FF

### Introduction

This hearing dealt with the landlord's application for a Monetary Order for damage to the rental unit; unpaid rent; and authorization to retain the security deposit. The tenant did not appear at the hearing. The landlord submitted that the tenant was personally served with the hearing documents on June 17, 2011 at the rental unit by the property manager and in the presence of a witness. The landlord called the witness to attest to the service of the hearing documents upon the tenant as stated by the landlord. The landlord also submitted that the landlord's evidence package was sent to the tenant via registered mail addressed to her at the forwarding address she provided the landlord. I accepted the tenant was sufficiently served with notification of this hearing and I proceeded to hear from the landlord without the tenant present.

### Issue(s) to be Decided

1. Has the landlord established an entitlement to compensation for damage to the rental unit?
2. Has the landlord established an entitlement to unpaid rent?
3. Is the landlord authorized to retain the security deposit?

### Background and Evidence

The tenancy commenced August 1, 2010 and the tenant paid an \$847.50 security deposit. The tenant was required to pay rent of \$1,695.00 on the 1<sup>st</sup> day of every month. The tenant did not pay rent for June 2011 and the landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent. The tenant paid \$845.00 towards the outstanding rent in June 2011 and on June 17, 2011 provided the landlord written authorization to retain the security deposit for the balance of outstanding rent. The rental unit was re-rented effective July 1, 2011.

Although the landlord had sought a larger amount in filing the application, by way of the landlord's evidence package, the landlord reduced the claim against the tenant and is seeking recovery of the following amounts:

Garbage removal from front yard	\$ 224.00
Garbage removal from rear of house	224.00
Carpet cleaning	226.80
General cleaning	<u>100.86</u>
Total	\$ 775.60

Documentary evidence provided for this proceeding included: the condition inspection reports; photographs; invoices for the garbage removal and cleaning; the tenant's forwarding address provided via email; the tenant's written authorization for the landlord to retain the security deposit; the registered mail receipt; and, a signed statement from the person who witnessed service of the hearing documents upon the tenant.

### Analysis

Based upon the evidence before me, I am satisfied the tenant gave the landlord written authorization to retain her security deposit in satisfaction of the unpaid rent for June 2011. Therefore, I find the security deposit now belongs to the landlord and the matter of unpaid rent has been satisfied.

Upon review of the move-out condition inspection report and photographs I am satisfied that the tenant failed to leave the rental unit reasonably clean as required by the Act. I find the landlord substantiated the losses he is claiming by way of the invoices provided as evidence. Therefore, I grant the landlord's request to recover \$775.60 from the tenant.

I award the landlord the filing fee paid for this application and provide the landlord with a Monetary Order in the total amount of \$825.60 to serve upon the tenant. The Monetary Order may be filed in Provincial Court (Small Claims) to enforce as an Order of that court.

### Conclusion

The landlord is entitled to retain the security deposit in satisfaction of the unpaid rent for June 2011. The landlord has been provided a Monetary Order in the amount of \$825.60 for garbage removal, cleaning costs, and the filing fee paid for this application.

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 04, 2011.

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Residential Tenancy Branch