



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55;
3. An Order to retain the security and/or pet deposit pursuant to Section 38; and
4. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was properly served with the Notice to End Tenancy by posting the notice to the rental unit door and the Application for Dispute Resolution hearing package by registered mail.

The tenant did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

Background and Findings

Order of Possession

The landlord testified that the tenant has now vacated the rental unit and the Order of Possession is no longer required.

Monetary Order

The landlord testified that the tenant vacated the rental unit on or about October 17, 2011 without having paid October's rent. Based on the landlord's undisputed evidence I find that she is entitled to a monetary award for October's rent. The landlord supplied a copy of the tenancy agreement showing that the tenant agreed to pay \$25.00 in late fees when rent was not paid on time. I therefore find that the landlord is entitled to a late fee for late payment of October rent.

The landlord also testified that the tenant did not clean the rental unit and she left garbage behind. Based on the landlord's undisputed evidence I find she is entitled to the cleaning claimed.

I will allow the following sums:

October Rent	\$900.00
Late Rent Fee	25.00
Carpet cleaning	230.00
Cleaning draperies	80.00
6 hours of cleaning at \$20.00 per hour	120.00
Garbage and furniture removal	100.00
Total	\$1455.00

Security Deposit

I find further that the landlord is entitled to retain the security deposit and interest to the date of this decision in partial satisfaction of the rental arrears.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Monetary Award as set out above	\$1,455.00
Filing Fees for the cost of this application	50.00
Less Security Deposit (no interest accrued)	-450.00
Total Monetary Award	\$1,055.00

Conclusion

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

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: November 09, 2011.

Residential Tenancy Branch