



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD MNDC 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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 21, 2011, the tenant did not participate in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on July 1, 2011 as a fixed-term tenancy to end on June 30, 2012. Rent in the amount of \$785 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$392.50. On October 24, 2011 the tenant gave notice that he intended to vacate the unit. The tenant vacated the unit on November 2, 2011.

The landlord has claimed the following monetary amounts:

- 1) \$785 for November 2011 rent – the landlord advertised and attempted to re-rent the unit but was unable to re-rent it for November 2011.
- 2) \$48 for suite cleaning and supplies
- 3) \$112 for carpet cleaning
- 4) \$314.56 for general repairs
- 5) \$300 for liquidated damages, as per the tenancy agreement
- 6) \$397.50 for unpaid rent for July 2011 – the agent for the landlord was not aware of the reason for this portion of the landlord's claim.

Analysis

Upon consideration of the undisputed evidence, I find that the landlord is entitled to all of the amounts claimed except the claim for unpaid rent for July 2011. The landlord failed to provide sufficient evidence to support that portion of their claim, and I therefore dismiss that portion of the application.

As the landlord's claim was mostly successful, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The landlord is entitled to \$1609.56. I order that the landlord retain the security deposit of \$392.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1217.06. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: February 17, 2012.

Residential Tenancy Branch