



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 an application by the landlord for a monetary order for damages, a monetary order for unpaid rent, money owed or compensation due to damage or loss, to keep all or part of the security deposit and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail; this mail was successfully delivered. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began May 1, 2011, with monthly rent of \$700.00 and the tenant paid a security deposit of \$350.00.

The landlord testified that the tenant vacated the rental unit in February 2012 after the tenant's \$700.00 February rent check was returned to the landlord as NSF. The landlord stated that the tenant also owes the landlord 2, \$25.00 NSF check fees; one for December 2011 and one for February 2012.

The landlord provided the tenant with 2 notices to attend a move out inspection however the tenant made no effort to contact the landlord and complete the inspection. The landlord's photographic evidence shows large holes in the walls from anchor bolts, crayon on the walls, the kitchen left very dirty, the window coverings dirty and the carpet not cleaned. The landlord stated that the tenant also did not return the keys to the rental unit or front door.

The landlord in this application is seeking \$1064.60 compensation for the following:

- February unpaid rent \$700.00

- December & February NSF check fees \$50.00
- Cleaning costs \$153.00
- Trash removal \$9.00
- Carpet cleaning \$117.60
- Key replacement, re-keying lock \$35.00

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent, loss and cleaning costs.

The landlord has established through their testimony and evidence that the tenant vacated the rental unit with rent and NSF check fees owed to the landlord, cleaning required in the rental unit and new keys and re-keying of the rental unit required.

Accordingly I find that the landlord is entitled to a monetary order for \$1064.60.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$1064.60 in unpaid rent, loss and cleaning costs. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$350.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$764.60**.

If the amount is not paid by the tenant(s), the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: April 23, 2012

Residential Tenancy Branch