



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, OPB, MNR, MNSD, MNDC, O, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, cause and breach of the tenancy agreement, a monetary order for unpaid rent, to keep all or part of the security deposit, money owed or compensation due to damage or loss 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 in person by the landlord on April 17, 2012. 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 June 14, 2011 with monthly rent of \$750.00 and the tenant paid a security deposit of \$400.00.

On April 4, 2012 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent; the tenant has not filed to dispute this notice.

The landlord testified that the tenant vacated the rental unit on April 15, 2012 and the landlord no longer requires an order of possession therefore the following portions of the landlord's claim are dismissed: an order of possession for unpaid rent, cause and breach of the tenancy agreement.

The landlord stated that the tenant was served the hearing documents in person on April 17, 2012 at her place of work. The landlord stated that the tenant vacated the rental unit after being served with the notice to end tenancy, did absolutely no cleaning in the rental unit and did not clean the carpets prior to vacating. The tenant also did not

make herself available to complete a move out inspection with the landlord or provide the landlord with a forwarding address.

The landlord stated that they were not able to secure new tenants for May 2012 and have suffered a loss of \$750.00 in rental income for this month.

The landlord in this application is seeking compensation for the following: April 2012 rent \$750.00, \$35.00 NSF fee, May 2012 rent \$750.00, carpet cleaning \$140.00 and \$72.00 for general suite cleaning.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord is entitled to a monetary order for unpaid rent, carpet cleaning and general suite cleaning.

I accept the landlord's testimony that the tenant vacated the rental unit without paying the April 2012 rent and did not cleaning the rental unit or the carpets when she vacated. I also accept that the landlord suffered a loss of rental income for May 2012 when the tenant vacated without notice to the landlord.

Accordingly I find that the landlord is entitled to a monetary order for \$1762.00.

The landlord is not entitled to the NSF fee of \$35.00 as this fee is not noted on the signed tenancy agreement per section 7(d) of the Residential Tenancy Act Regulations.

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 \$1762.00 in unpaid rent 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 \$400.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$1362.00**.

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: May 3, 2012

Residential Tenancy Branch