

DECISION

Dispute Codes MND, MNR, MNDC, MNSD, FF

Introduction

This is an application filed by the Landlord for a monetary order for damage to the unit, for unpaid rent or utilities, for money owed or compensation for damage or loss under the Act, regulations or tenancy agreement, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Landlord states that the notice of hearing and evidence package was sent by Canada Post Registered Mail on March 16, 2012 to the Tenant's forwarding address provided on January 31, 2012. As such, I am satisfied that the Landlord has properly served the Tenant with the notice of hearing and evidence package as deemed under the Act.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

This Tenancy began on June 1, 2011 on a month to month basis as shown in the submitted copy of the signed tenancy agreement. The monthly rent was \$1,090.00 payable on the 1st of each month and a security deposit of \$545.00 was paid.

The Landlord states that the Tenant's vacated the rental unit on February 29, 2012 as a result of being served a 10 day notice to end tenancy for unpaid rent on January 4, 2012. The Landlord states that rent was paid late on January 13, 2012 and seeks a \$25.00 late rent fee as indicated on the tenancy agreement.

The Landlord further seeks compensation for money owed because of cleaning costs required for the blinds of \$294.84 from Brite'n Easy Blind cleaning and \$238.00 from C1 Janitorial&Building Services Ltd. The Landlord states that excessive smoke was

evident in the rental unit that required the cleaning of walls, surfaces and the blinds as indicated on the invoices.

Analysis

I accept the undisputed testimony of the Landlord and find that the Landlord has established a claim for smoke damage to the rental unit as indicated on the submitted invoices. The Landlord has established a monetary claim for \$557.84. The Landlord is entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$545.00 security deposit in partial satisfaction of this claim and grant the Landlord a monetary order under section 67 for the balance due of \$62.84. The Landlord is granted a monetary order for \$62.84. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$62.84.
The Landlord may retain the security deposit.

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 28, 2012.

Residential Tenancy Branch