



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MDN, 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, 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. 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 August 1, 2011 with monthly rent of \$1017.00 and the tenant paid a security deposit of \$508.50.

On April 1, 2012 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant did not pay the \$1017.00 April 2012 rent and after being served a notice to end tenancy the tenant vacated the rental unit April 3, 2012. The landlord stated that a move out inspection was completed with the tenant on April 3, 2012 and the tenant has signed the move out inspection report as being in agreement with the landlord's findings.

The landlord stated that the tenant had been making efforts to pay the outstanding amounts owed to the landlord and to date the tenant has provided the landlord with 3 payments of \$105.50 each for a total of \$316.50. The landlord stated at this time they

are seeking a monetary order for the \$366.00 balance which remains after deduction of the \$508.50 security deposit and \$50.00 parking deposit.

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 and cleaning costs.

The landlord has established that the tenant vacated the rental unit without paying the April rent and that cleaning costs were incurred by the landlord. The landlord has provided testimony that the tenant at this time, after application of the deposits being held by the landlord, owes the landlord a balance of \$366.00.

Accordingly I find that the landlord is entitled to a monetary order for \$366.00.

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 \$924.00 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 \$508.50 security deposit and \$50.00 parking deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$366.00**.

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: June 6, 2012

Residential Tenancy Branch