

DECISION

Dispute Codes OPL, MNDC, MND, MNSD, FF

Introduction

This is an application filed by the Landlord for an order of possession for another use, a monetary order request for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for damage to the unit or site, 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 Tenant did not attend. The Landlord states that the notice of hearing and evidence package was sent by Canada Post Registered Mail on May 14, 2012. The Landlord provided in her direct testimony the Customer Receipt Number RW650316891CA. At this time during the hearing, the Landlord stated that she checked the Canada Post Online tracking system that the Tenant signed for the package on May 14, 2012. As such, I am satisfied that the Tenant was properly served with the notice of hearing and evidence package.

The Landlord clarified at the beginning of the hearing that the "OPL" selection was made in error and withdraws it at this time.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background, Evidence and Analysis

The Landlord seeks a monetary order for \$1,156.83 consisting of \$660.00 for labour (44 hours X \$15.00 per hour), \$196.83 for cleaning supplies and \$211.68 for the replacement of the back door. The Landlord states that the Tenant left the rental unit un-rentable and that it took two persons a total of 44 hours combined to vacuum, wash the walls, clean the cupboards, ceilings and dispose of piles of garbage left by the Tenant. The Tenant has provided copies of all of the receipts for the cleaning supplies as well as the \$211.68 cost of replacing the back door because the Tenant installed a "cat door" without permission.

The Landlord requested in her direct testimony that the \$285.15 security deposit paid on September 1, 2008 be held to offset the monetary claim.

I accept the undisputed testimony of the Landlord and find that a claim for \$1,068.51 has been established. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$285.15 security deposit and the \$1.43 in interest which has accrued to the date of this judgement in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$831.93. 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 \$831.93.
The Landlord may retain the security deposit and the accrued interest.

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: July 10, 2012.

Residential Tenancy Branch