



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for unpaid rent and for damage to the unit pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I waited until 9:45 a.m. in order to enable them to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

The landlord entered into written evidence a copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) sent to the tenants on July 8, 2010. This 10 Day Notice sought an end to this tenancy by July 23, 2010 for unpaid rent of \$538.00, then owing. The landlord testified that the tenants did not pay any portion of this unpaid rent. The landlord testified that copies of the landlord's dispute resolution hearing packages were sent to the tenants by registered mail on July 27, 2012. Although the tenants did not provide the landlord with the forwarding address where the landlord sent these packages, the landlord did provide written evidence by way of Canada Post Tracking Numbers, Receipts and the Canada Post On-Line Tracking System. This Tracking System confirmed that the packages were sent on July 27, 2012 and successfully delivered to the tenants on July 30, 2012. The landlord also entered into written evidence copies of the signatures for the receipt of both dispute resolution hearing packages. Under these circumstances, I find that the landlord has provided evidence that the above documents were served to the tenants.

Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent and damage arising out of this tenancy? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This tenancy for a subsidized rental unit commenced on February 1, 2006. The original tenancy to the female tenant was amended on September 1, 2008, when the male tenant was added to this residential tenancy agreement. By the end of this tenancy, the monthly rent was set at \$613.00, payable in advance on the first of each month.

The landlord entered into written evidence copies of the joint move-in and joint move-out condition inspection reports regarding inspections that occurred on January 31, 2006 and July 23, 2010. The joint move-out condition inspection report confirmed the landlords' claim that the female tenant agreed that there was cigarette smoke and stains on the walls by the end of this tenancy.

The landlord's application for a monetary award of \$732.40 included the following items:

Item	Amount
Unpaid Portion of July 2010 Rent	\$538.00
Cleaning	120.00
Carpet Cleaning	56.00
Closet Rod (\$10.00 + \$8.40 = \$18.40)	18.40
Total Monetary Award Requested	\$732.40

In support of the application for a monetary award, the landlord entered into written evidence copies of receipts and invoices to demonstrate that the landlord has encountered losses as a result of damage caused during this tenancy. The landlord testified that new tenants were not obtained for this rental unit until June 2011.

Analysis

Based on the undisputed sworn oral testimony and written evidence from the landlord, I find that the landlord is entitled to a monetary award for unpaid rent and damage as claimed by the landlord. In coming to this determination, I note that the landlord has claimed for only 6 of the 14.75 hours required to clean this rental unit after the end of the tenancy.

As the landlord has been successful in this application, I allow the landlord to recover the filing fee from the tenants.

Conclusion

I issue a monetary Order in the landlord's favour under the following terms which allows the landlord to recover unpaid rent, damage arising out of this tenancy and the filing fee for this application:

Item	Amount
Unpaid Portion of July 2010 Rent	\$538.00
Cleaning	120.00
Carpet Cleaning	56.00
Closet Rod (\$10.00 + \$8.40 = \$18.40)	18.40
Recovery of Filing Fee for this application	50.00
Total Monetary Order	\$782.40

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: October 15, 2012

Residential Tenancy Branch