



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord's agents participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing (the "hearing package") to each tenant by way of registered mail, neither tenant appeared. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mail, and the Canada Post website informs that both items were "refused by recipient."

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from February 1, 2012 to January 31, 2013. Monthly rent of \$675.00 is due and payable in advance on the first day of each month, and a security deposit of \$337.50 was collected. A move-in condition inspection report was completed with the participation of both parties.

By letter dated May 31, 2012, the tenants gave notice to end tenancy effective June 30, 2012. Subsequently, a move-out condition inspection report was completed with the participation of both parties on June 30, 2012, at which time the tenants also provided a forwarding address. By way of her signature on the move-out condition inspection report, tenant "EMJ" agreed that the report "fairly represents the condition of the rental unit" and agreed to the landlord's calculation of certain costs owed to the landlord, in addition to the landlord's retention of the security deposit.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence, the relevant statutory provisions and Guidelines, in addition to the affirmed / undisputed testimony of the landlord's agents, the various aspects of the landlord's claim and my findings are set out below.

\$675.00: liquidated damages.

\$145.60: carpet cleaning.

\$20.00: cleaning inside, under and behind the stove and fridge.

I find that as the tenants agreed to the above claims by way of signature on the move-out condition inspection report, and that as the claims are consistent with the relevant statutory, Guideline and other provisions set out in the written tenancy agreement, the landlord has established entitlement to the full amount(s) claimed above.

\$19.08: registered mail. Section 72 of the Act addresses **Director's orders: fees and monetary orders**. With the exception of the filing fee for an application for dispute resolution, the Act does not provide for the award of costs associated with litigation to either party. Accordingly, this aspect of the landlord's application is hereby dismissed.

\$50.00: filing fee. As the landlord has mainly succeeded with this application, I find that the landlord has established entitlement to recovery of the full filing fee.

Following from all of the above, I find that the landlord has established entitlement to \$890.60. I order that the landlord retain the security deposit of \$337.50, and I grant the landlord a monetary order for the balance owed of \$553.10 (\$890.60 - \$337.50).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$553.10**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court 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: October 11, 2012.

Residential Tenancy Branch