

DECISION

Dispute Codes MND, MNDC, MNSD, FF

Introduction

This is an application filed by the Landlord for a monetary order for damage to the unit, site or property, for money owed or compensation for damage or loss, 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 or submit any documentary evidence.

Both parties were contacted by the Residential Tenancy Branch to reschedule the hearing from the original hearing date of November 19, 2012. Both parties were given updated hearing access codes. As such, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to keep all or part of the security deposit?

Background, Evidence and Analysis

This Tenancy began on August 1, 2010 on a fixed term tenancy ending on July 31, 2011 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. A security deposit of \$750.00 was paid.

The Landlord seeks a monetary order for \$1,696.44. This consists of loss of rental income for August 2012 of \$1,550.00, Cleaning charges for \$146.44 consisting of a \$25.00 carpet cleaner rental, \$12.00 for carpet cleaner, \$4.44 HST and \$105.00 for 3 hours at \$35.00 an hour for cleaning labour.

The Landlord seeks to retain the \$750.00 security deposit to offset the claim. The Landlord states that she also owes \$56.66 for paint supplies that she agreed to pay the Tenant.

I find based upon the undisputed evidence of the Landlord that she has established a monetary claim for \$1,696.44. The Landlord has conceded that she owes \$56.66 for paint supplies to the Tenant. The Landlord is entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$750.00 security deposit in partial satisfaction of the claim and I grant the Landlord a monetary order under section 67 for the balance due of \$939.78. 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 \$939.78.
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: November 23, 2012.

Residential Tenancy Branch