



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MND, MNSD and FF

### Introduction

This hearing was convened on an application made by the landlord on January 14, 2013 seeking a Monetary Order for unpaid rent/loss of rent, cleaning costs and repair of damage to the rental unit, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off.

Despite having been served with the Notice of Hearing sent by registered mail on January 16, 2013, the tenant did not call in to the number provided to enable her participation in the telephone conference call proceeding. Therefore, it proceeded in her absence.

### Issue(s) to be Decided

Is the landlord entitled to a Monetary Order for the claims submitted?

### Background, Evidence and Analysis

This tenancy began on from April 1, 2012 and ended on December 31, 2012 on the tenant's written notice given on November 30, 2012. Rent was \$850 per month and the landlord holds a security deposit of \$425 paid on March 17, 2012.

During the hearing, the landlord gave evidence that the tenant had vacated on December 24 or 26, 2012 without advising the landlord that the unit was available for completion of a move-out condition inspection report.

The landlord submitted a copy of a service provider's itemized invoice and numerous photographs in support of the claims, on which I find as follows:

**Unpaid rent - \$850.** The landlord stated that the tenant did not pay the rent for December 2012 though her notice did not take effect until the end of the month. In the absence of any evidence to the contrary, this claim is allowed in full.

**Loss of rent - \$425.** The landlord was able to find new tenants for January 15, 2013, but claims loss of rent for the first two weeks of the month. He gave evidence that he had attempted to show the unit in December 2012, but that during one showing, he found the unit to be in such severe need of cleaning, that he felt he could not arrange further showings until a post-tenancy cleaning. The landlord also said he was able to gain access on December 28, 2013 to begin the work. I find there is some doubt as to whether this loss might have been avoided by earlier inspections and will grant the benefit of that doubt to the tenant. This claim is dismissed.

**General cleaning - \$200.** This claim includes refuse removal, cleaning and washing walls and surfaces, and cleaning fixtures and appliances. On the basis of the photographic evidence, I find this claim to be abundantly reasonable and it is allowed in full.

**General repairs - \$200.** This claim includes repainting marked walls, repair and painting of a bedroom window sill, reinstall curtains and curtain rod that were pulled off the wall and replacing light bulbs, door stops, broken towel bar and paper holder. I find this claim to be fair and proven, and it is allowed in full.

**Filing fee – \$50.** As the application has succeeded on its merits, I find that the landlord is entitled to recover the filing fee for this proceeding from the tenant..

**Security deposit – (\$425).** As authorized by section 72 of the *Act*, I hereby order that the landlord retain the tenant's security deposit in set off against the balance owed.

Thus, I find that the tenant owes to the landlord an amount calculated as follows:

Unpaid rent for December 2012	\$ 850.00
General cleaning	200.00
General repairs	200.00
Filing fee	<u>50.00</u>
Sub total	\$1,300.00
Less retained security deposit	<u>- 425.00</u>
<b>TOTAL</b>	<b>\$ 875.00</b>

### Conclusion

In addition to authorization to retain the tenant's security deposit, the landlord's copy of this decision is accompanied by a Monetary Order for \$875.00, enforceable through the Provincial Court of British Columbia, for service on the tenant.

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: April 04, 2013

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Residential Tenancy Branch

