



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MND, MNDC, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55;
3. An Order to be allowed to retain the security deposit; and
4. An Order to recover the filing fee pursuant to Section 72.

I accept the landlord's evidence that the tenant was properly served with the Notice to End Tenancy by way of personal service.

I accept the landlord's evidence that the tenant was properly served with the Application for Dispute Resolution including the Notice of Hearing and the landlord's evidence by way of registered mail.

The tenants did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

Background and Findings**Order of Possession**

The landlord testified that the tenants have now vacated the rental unit and they no longer required an Order of Possession. This claim is therefore withdrawn.

Monetary Order***Rental Arrears***

Based on the undisputed evidence of the landlord I find that the landlord has met the burden of proving that there are rental arrears of \$800.00 for February and \$1,600.00 for March 2013 for a total of \$2,400.00. I find the landlord is entitled to recovery of those arrears.

Damages

The landlords gave evidence that the tenants vacated the rental unit on March 2, 2013 without cleaning properly and leaving debris that required removal. In addition the tenants damaged the kitchen cabinets so severely having removed the cabinet doors and sanding them such that they required extensive repair. Further, the tenants did not pay the City's water billings as agreed to in the Tenancy Agreement.

Based on the undisputed evidence of the landlords I will allow their claims as follows:

Interior Cleaning	\$ 80.00
Removal of debris	200.00
Kitchen cupboards	3,000.00
City of Abbotsford water bills	443.41
Total	\$3,723.41

Filing Fees

As the landlord has been successful in this application I find that the landlord is entitled to recover the filing fees paid for this application.

Security Deposit

I find further that the landlord is entitled to retain the security deposit and interest (if any) to the date of this decision in partial satisfaction of the rental arrears.

Calculation of total Monetary Award

Rental Arrears	\$2,400.00
Damages	3,723.41
Filing Fees for the cost of this application	50.00
Less Security Deposit	-800.00
Interest from the date the deposit was paid to the date of this Order	0.00
Total Monetary Award	\$5,373.41

Conclusion

The landlord is provided with a formal copy of an order for the total monetary award as set out above. This is a final and binding Order enforceable as any Order of the Provincial Court of British Columbia.

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 30, 2013

Residential Tenancy Branch

