



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding E Y PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

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

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent, for the cost of cleaning, for liquidated damages and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim.

The landlord sent a copy of her application and the notice of hearing to the tenant by registered mail on February 08, 2013, to the forwarding address provided by the tenant. The landlord filed a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Did the tenant end the tenancy prior to the end date of the fixed term? Is the landlord entitled to a monetary order for liquidated damages, unpaid rent, cleaning and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on January 01, 2012 for a fixed term of one year. Prior to moving in, the tenant paid a security deposit of \$440.00. The tenancy ended on March 01, 2012 and a move out inspection was conducted on that day. The tenant signed in acknowledgement of the amount owed to the landlord. The total amount that the tenant agreed to pay was \$1,280.00. The landlord filed a copy of this form signed by the tenant.

Shortly after, the tenant paid one installment of \$150.00. Since the tenant had stopped paying what she owed, the landlord filed this application.

At the time of the hearing the tenant owed a balance of \$1,130.00 from the total amount owed to the landlord. The landlord is also claiming the recovery of the filing fee of \$50.00.

Analysis

Based on the undisputed testimony of the landlord and the documentary evidence filed by the landlord, I find that the landlord has established a claim for \$1,130.00. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00.

Overall the landlord has established a claim of \$1,180.00. The landlord currently has in her possession the tenant's security deposit of \$440.00. I order that the landlord retain the security in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$740.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of **\$740.00**.

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 11, 2013

Residential Tenancy Branch

