



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by personal service on March 21, 2013. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The tenancy began on or about June 1, 2012. Rent in the amount of \$850.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$425.00. The tenant failed to pay rent in the month(s) of November 2012- March 2013 and on March 2, 2013 the landlord served the tenant with a notice to end tenancy. The landlord advised that as of today's hearing the amount of unpaid rent is \$1020.00. The landlord conducted a move in condition inspection report with the tenant. The landlord made attempts for the tenant to attend for a move out inspection but was unable to. The landlord submitted photos to depict the condition of the unit when the tenants abandoned it. The landlord believes the unit became vacant on or about March 21, 2013. The landlord is seeking \$1625.90 for garbage removal, suite cleaning, painting, carpet replacement, installation, and disposal as well to replace a digital cable television box.

Analysis

The landlord advised that the tenants abandoned the unit sometime in March 2013 and no longer requires an order of possession; accordingly I dismiss that portion of the landlords claim.

In the absence of any disputing evidence from the tenants I accept the landlord's testimony. The landlord provided photographic and documentary evidence to support their claim. I find that the landlord is entitled to the \$1020.00 in unpaid rent and the \$1625.90 for cleaning and repairs.

As for the monetary order, I find that the landlord has established a claim for \$2645.90. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$425.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2270.90. 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 \$2270.90. 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: June 06, 2013

Residential Tenancy Branch

