



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for loss of income, strata fines, cleaning and repairs and for the filing fee. The landlord also applied to retain the security and pet deposits.

On July 18, 2013, the landlord served the notice of hearing on the tenant by registered mail to the forwarding address provided by the tenant. The landlord provided 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

Is the landlord entitled to a monetary order for loss of income, cleaning and repairs and for the filing fee? Is the landlord entitled to retain the security and pet deposits?

Background and Evidence

The landlord testified that the tenancy started on April 01, 2013. The rent was \$1,600.00 due on the first of each month. The tenant paid a security deposit of \$800.00 and a pet deposit of \$800.00.

On July 03, 2013, the tenant visited the landlord at her place of work and informed her that he had moved out. He returned the keys to the landlord and authorized a friend to represent him at the move out inspection. The tenant also provided the landlord with his forwarding address in writing on July 04, 2013.

The landlord stated that the unit was left in a dirty condition and required some repair to walls. The landlord filed a copy of the move in and move out inspection reports and photographs to support his verbal testimony.

The landlord stated that he incurred costs to clean the unit, to repair and paint damage to the one wall and replace a broken towel holder. The landlord provided receipts to support his claim including the fines levied by the strata counsel.

The landlord found a tenant for August 01, 2013 and is claiming the loss of income he suffered for the month of July 2013 and for the filing fee.

The landlord is claiming the following:

1.	Loss of income for July 2013	\$1,600.00
2.	Fines levied by strata	\$331.48
3.	Cost of paint and supplies	\$45.22
4.	General and carpet cleaning	\$640.00
5.	Replace towel holder	\$43.67
6.	Filing fee	\$50.00
	Total	\$2,710.37

Analysis

Section 45 of the *Residential Tenancy Act*, states that a tenant may end a periodic tenancy by giving the landlord notice to end the tenancy effective on a date that is not earlier than one month after the date the landlord receives the notice and is the day before the day in the month that rent is payable under the tenancy agreement.

Based on the undisputed testimony of the landlord, I accept the landlord's evidence in respect of the claim. In this case the tenant did not give the landlord adequate notice to end the tenancy, thereby causing the landlord to suffer a loss of income for the month of July 2013. Accordingly, I find that the landlord is entitled to \$1,600.00, which is the loss that he suffered.

I further find that the landlord provided sufficient evidence by way of inspection reports, photographs and invoices, to support his monetary claim. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee. Overall the landlord has established a claim of **\$2,710.37**.

I order that the landlord retain the security and pet deposits of \$1,600.00 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 **\$1,110.37**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord may retain the security and pet deposits. I grant the landlord a monetary order in the amount of **\$110.00**.

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: August 28, 2013

Residential Tenancy Branch

