



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord submitted evidence that they served the tenants with the application for dispute resolution and notice of hearing by registered mail sent on October 16, 2013. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on October 21, 2013, and I proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began in May 2011, and the tenants and the landlord entered into a new tenancy agreement beginning April 8, 2012. Rent in the amount of \$800 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$375.

The tenants gave verbal notice to end the tenancy on the 15th of the month, and did not pay rent for May 2013. The tenants vacated the rental unit on May 12, 2013. The landlord has claimed \$800 for May 2013 rent; \$60 for cleaning; \$15 for district pump fees; and \$40 for a truck and labour to haul away garbage.

In support of their application, the Landlord gave testimony and submitted a copy of the Landlord's Application for Dispute Resolution, filed October 15, 2013, which detailed the claim.

Analysis

I find that the landlord has established their claim. The landlord's testimony and application, as noted above, show that the tenants failed to give proper notice to vacate and failed to pay rent as required for May 2013. Further, I accept the landlord's evidence that they incurred losses for cleaning, garbage removal and district pump fees. The landlord is entitled to \$915.

As their application was successful, the landlord is also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The landlord is entitled to \$965. I order that the landlord retain the security deposit of \$375 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$540. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: February 3, 2014

Residential Tenancy Branch

