



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD

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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on October 16, 2013, the tenants did not participate in the conference call hearing. The landlord gave affirmed evidence.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background, Evidence and Analysis

The landlord's undisputed testimony is as follows. The tenancy began on April 1, 2013 and ended on October 5, 2013. The tenancy was to be for a fixed term of six months that was to end on September 30, 2013. The tenants were obligated to pay \$1275.00 per month in rent in advance and at the outset of the tenancy the tenants paid a \$635.00 security deposit.

I address the landlord's claims and my findings around each as follows.

First Claim – The landlord stated that the tenant still owes half a months' rent for September 2013 as well as over holding the unit until October 5, 2013. The tenant had signed a tenancy agreement that the tenancy would end on September 30, 2013. The landlord stated that after this tenant moved out they put the house on the market to sell and made no attempts to re-rent the unit. Based on the testimony of the landlord I find that they are entitled to the unpaid rent of September 15-30 in the amount of \$637.50 as well as a prorated amount for five days in October at (\$1275.00 divided by 31 day's = \$41.13 X 5 days =) \$205.65 for a total of \$843.15.

Second Claim - The landlord was seeking to recover the costs of cleaning, key replacement and lighting fixtures. The landlord did not submit any receipts to support any out of pocket costs and I therefore dismiss this portion of their application.

Conclusion

The landlord has established a claim for \$843.15. The landlord is entitled to the recovery of the \$50.00 filing fee. I order that the landlord retain the \$635.00 security deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$258.15. 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: January 20, 2014

Residential Tenancy Branch

