



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*MND, MNSD, FF*

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for cleaning, repairs and 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 May 17, 2014 to the forwarding address provided by the tenant. The landlord provided a tracking number. The package was returned as unclaimed and the landlord mailed the package again on June 21, 2014 by registered mail to the tenant's forwarding address.

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 cleaning, repairs and for the recovery of the filing fee? Is the landlord entitled to retain the security deposit?

### **Background and Evidence**

The tenancy started on March 01, 2014. Prior to moving in the tenant paid a security deposit of \$650.00. Pursuant to an order of possession, the tenant moved out on April 28, 2014. The landlord attempted to re rent the unit but was unsuccessful in finding a tenant for May 2014. A new tenant moved in on July 01, 2014. The landlord is claiming loss of income for May 2014.

The landlord filed an itemized list of her claims for late fees, cable bill, removal of garbage, cleaning, replacing keys, carpet cleaning and replacement of items that were missing or broken from this furnished suite. The landlord also filed copies of receipts to support her monetary claim for a total amount of \$722.27

### **Analysis**

Since the tenant moved out on April 28, 2014, pursuant to a notice to end tenancy, the landlord was not able to find a tenant for May and therefore I find that the landlord is entitled to the loss of income she suffered in the amount of **\$1,300.00**.

Based on the testimony of the landlord and the documents filed into evidence and in the absence of evidence to the contrary I find that the landlord has proven her claim for a total of **\$722.27** for the various items that she has listed in her application.

Since the landlord has proven her claim, she is also entitled to the filing fee of **\$50.00**

Overall the landlord has established a claim of \$2,072.27. I order that the landlord retain the deposit of \$650.00 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 \$1,422.27. 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 for the amount of **\$1,422.27**.

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: September 17, 2014

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Residential Tenancy Branch

