



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Hollyburn Estates Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MND, MNDC, MNSD, FF

### Introduction

This was a hearing with respect to the landlord's application for a monetary order and an order to retain the security deposit. The hearing was conducted by conference call. The landlord's named representatives called in and participated in the hearing. The tenants did not attend, although they were served with the application for dispute resolution and Notice of Hearing sent by registered mail on June 23, 2014 to the forwarding address they provided to the landlord.

### Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?

Is the landlord entitled to retain the tenants' security deposit in partial satisfaction of a monetary award?

### Background and Evidence

The rental unit is an apartment in Burnaby. The tenancy began on June 8, 2013 for a fixed term ending June 30, 2014 and thereafter on a month to month basis. Rent in the amount of \$1,165.00 was payable on the first of each month. The tenants paid a security deposit of \$582.50 on June 8, 2014. The tenants also paid a \$50.00 key fob deposit at the start of the tenancy.

On May 15, 2014 the tenants gave the landlord written notice that they intended to move out at the end of June. The tenants did not pay rent for June. On June 9, 2014 the landlord entered the rental unit to investigate a potential water leak and discovered that the tenants had moved out. The landlord conducted a move-out condition inspection report in the absence of the tenants. The landlord's representative testified that the rental unit was not clean and the drapes had been removed by the tenants. The landlord has claimed the following amounts:

• Unpaid rent for June:	\$1,165.00
• June rent late fee:	\$25.00
• Parking pass card not returned:	\$10.00
• Carpet cleaning:	\$106.50
• Drapery replacement cost (less amortization factor)	\$352.87
• Surface oven hood & refrigerator cleaning	\$102.00
• General cleaning 8 hrs @ \$28.50/hr	\$228.00

The landlord submitted photographs of the rental unit; they showed that the unit had not been cleaned and belongings had been abandoned in the unit. Appliances were not cleaned and the refrigerator was full of food.

### Analysis

In the absence of any evidence from the tenants I accept the landlord's evidence concerning the necessary costs to return the rental unit to an acceptable condition and I grant the landlord a monetary award for the amounts claimed which total \$1,989.37.

### Conclusion

The landlord has been awarded the sum of \$1,989.37. The landlord is entitled to recover the \$50.00 filing fee for this application, for a total award of \$2,039.37. I order that the landlord retain the security deposit of \$582.50 and the fob deposit of \$50.00 in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$1,406.87. This order may be registered 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: October 23, 2014

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Residential Tenancy Branch

