



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPC MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order to retain the security deposit pursuant to Section 38; and
- c) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord gave sworn testimony that the Notice to end Tenancy dated September 10, 2014 to be effective October 31, 2014 and the Application for Dispute Resolution were both by registered mail. It was verified online as successfully delivered. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated September 10, 2014 for repeated late payment of rent pursuant to section 47 of the Act. The tenant vacated October 31, 2014. The remaining issue is whether the landlord is now entitled to a Monetary Order for rental arrears, damages and filing fee?

Background and Evidence:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced in November, 2012, a security deposit of \$725 was paid and rent is currently \$1450 a month. The landlord provided evidence that no rent was paid for September or October 2014 and claims \$2900 in rental arrears.

The landlord also provided evidence of damages caused by the tenant. He claims \$206.43 + \$86.36 + \$157.50 for garbage removal, \$152.25 for cleaning and \$148.12 for fence repair costs. He provided invoices in support of the claim. The tenant did not submit any documents to dispute the amount owing.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Monetary Order

I find that there are rental arrears in the amount of \$2900 representing rental arrears from September 1, 2014 to October 31, 2014. I find the landlord's evidence credible that there was also damage totalling \$750.66. The landlord claimed also some costs of registered mail and processing this claim but I find reimbursement related to the process of evidence and the Application is limited to the \$50 filing fee as set out in section 72 of the Act. I find the landlord entitled to retain the security deposit to offset the amount owing. The landlord had some further claims which he did not include in the application. I give him leave to reapply within the limitation period to recover further costs incurred by this tenancy.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I dismiss the claims of the landlord for registered mail costs. I find the landlord is entitled to retain the security deposit to offset the amount owing and to recover filing fees paid for this application. I give him leave to reapply within the limitation period for further costs incurred by this tenancy.

Calculation of Monetary Award:

Garbage Removal (206.43 + 86.36 + 157.50)	450.29
Cleaning	152.25
Fence Repairs	148.12
Rent arrears	2900.00
Filing fee	50.00
Less security deposit (no interest 2012-14)	-725.00
Total Monetary Order to Landlord	2975.66

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: November 20, 2014

Residential Tenancy Branch