



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOMELIFE PENINSULA PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR MNDC 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 for unpaid rent and damages to the property;
- b) To retain the security deposit to offset the amount owing; 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 they served the Application for Dispute Resolution by registered mail on the tenant on March 11, 2015. It was verified online as successfully delivered. I find that the tenant is served with the Application according to section 89 of the Act.

Issue(s) to be Decided:

Has the landlord has proved on a balance of probabilities that the tenant owes rent and owes for damages to the property and the costs of repair? Is the landlord entitled to recover the filing fee?

Background and Evidence:

The tenant did not attend the hearing although served with the Application/Notice of Hearing. The landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The landlord stated that the tenancy commenced in February 1, 2015 on a fixed term to January 31, 2016, that monthly rent was \$1100 and a security deposit of \$550 was paid January 31, 2015. The landlord said that the rent cheque for February did not clear the bank and when they called the tenant about February 11, 2015, she said they moved for she was going to school in another Province. The landlord was able to re-rent the premises for March 1, 2015.

The landlord claims rent arrears of \$1100 for February 2015 plus \$218.75 for cleaning, \$147 for carpet cleaning and an early termination fee of \$550 as noted in the lease to

cover administrative costs such as the agent's fee for re-renting, advertising and showing the unit.

The tenant provided no documents to dispute the claim. On the basis of the documentary and solemnly sworn evidence, a decision has been reached.

Analysis:

Awards for compensation are provided in sections 7 and 67 of the *Act*. Accordingly, an applicant must prove the following:

1. That the other party violated the *Act*, regulations, or tenancy agreement;
2. That the violation caused the party making the application to incur damages or loss as a result of the violation;
3. The value of the loss; and,
4. That the party making the application did whatever was reasonable to minimize the damage or loss.

Monetary Order:

I find the tenant violated a fixed term tenancy agreement by vacating in February 2015 without paying rent for February. I find they owe \$1100 for February rent. I find the landlord mitigated their damages by calling an end to the tenancy and re-renting for March 1, 2015.

I find the landlord also incurred costs of \$218.75 for cleaning the unit, \$147 for carpet cleaning and is also entitled to the early termination fee for the genuine pre-estimate of administrative costs of re-renting which is set out in the lease. I find the costs are well supported by the invoices provided and the tenancy agreement.

I find the landlord entitled to a total of \$2015.75 for the costs outlined above.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below and to retain the security deposit with interest to offset the amount owing. I find the landlord is also entitled to recover filing fees paid for this application.

February Rent	1100.00
Cleaning costs	218.75
Carpet cleaning cost	147.00
Liquidated Damages -Administrative costs to re-rent	550.00

Filing fee	50.00
Less security deposit (no interest 2015)	-550.00
Total Monetary Order to Landlord	1515.75

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: July 29, 2015

Residential Tenancy Branch

