



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Melcor Realty Management Services Inc.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking a monetary order. The hearing was conducted via teleconference and was attended by the landlord's agent.

The agent testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on January 5, 2016 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 5<sup>th</sup> day after they have been mailed.

Based on the testimony of the agent, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; carpet cleaning; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 37, 38, 45, 67, and 72 of the *Act*.

### Background and Evidence

The landlord submitted into evidence a copy of a tenancy agreement signed by the parties on July 31, 2015 for a month to month tenancy beginning on August 1, 2015 for a monthly rent of \$650.00 due on the 1<sup>st</sup> of each month with a security deposit of \$325.00 paid.

The agreement also stipulated, in clause 23 that the tenant was required to have the rental unit carpet professionally cleaned at the end of the tenancy. The landlord submitted that the carpets were not cleaned professionally by the tenant. The landlord seeks compensation in the amount of \$99.75 for carpet cleaning. In support of this claim the landlord has provided a copy of a receipt for carpet cleaning.

The landlord submitted that on December 14, 2015 the tenant gave her notice to end the tenancy, effective December 31, 2015. The landlord seeks compensation in the amount of ½ month's rent or \$325.00 for the tenant's late notice. In support of this claim the landlord has submitted a copy of the tenant's notice to end her tenancy.

### Analysis

Based on the landlord's undisputed testimony and evidence I find the landlord has established the tenant failed to have the carpets cleaned professional as required by clause 23 of the tenancy agreement. I accept the landlord has suffered a loss as a result in the amount claimed and supported by the submitted receipt.

Section 45(1) of the *Act* stipulates that a tenant may end a month to month tenancy by giving the landlord notice to end the tenancy on a date is not earlier than one month after the date the landlord receives the notice and is the day before the day in the month that rent is payable under the tenancy agreement.

As per the landlord's evidence, I find the tenant failed to give a notice that complied with the requirements set out in Section 45(1) of the *Act*. As a result, I find the landlord has suffered a loss of ½ month's rent as claimed.

### Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$474.75** comprised of \$325.00 rent owed; \$99.75 and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$325.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$149.75**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: August 11, 2016

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Residential Tenancy Branch