



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNR, MNSD, MND, MNDC, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent, cost of cleaning and garbage disposal and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the claim.

The landlord testified that he served the tenant with the notice of hearing on February 12, 2016, by registered mail, to the address provided by the tenant in writing on the move out inspection report. The landlord filed a copy of the tracking slip.

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 unpaid rent, cost of cleaning and garbage disposal and the filing fee? Is the landlord entitled to retain the security deposit?

### **Background and Evidence**

The landlord testified that the tenancy started on October 01, 2014 and ended on February 04, 2016. The monthly rent was \$400.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$200.00.

The tenant was employed by the landlord. The employment ended on January 31, 2016 at which time the tenant was required to move out. The landlord stated that the tenant overstayed until February 04, 2016. The landlord is claiming prorated rent for four days in the amount of \$53.00.

The landlord filed a copy of the move out inspection report, photographs and an invoice to support his claim for the cost of cleaning and disposal of items left behind by the tenant. The photographs support the landlord's testimony and demonstrate that the tenant failed to clean the rental unit, left the appliances in a dirty condition and also left behind several items and bags filled with garbage. The landlord is claiming \$830.55 for the cost of cleaning and garbage disposal.

The landlord has also applied for the recovery of the filing fee in the amount of \$100.00 and to retain the security deposit in partial satisfaction of his monetary claim.

### **Analysis**

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant overstayed four days and therefore the landlord is entitled to his claim for unpaid rent in the amount of \$53.00. The landlord has filed adequate documents into evidence by way of photographs, an invoice and a move out inspection report, to support his claim of \$830.55 for cleaning and garbage disposal. Since the landlord has proven his case, he is also entitled to the filing fee of \$100.00.

Overall the landlord has established a claim of \$983.55. I order that the landlord retain the security deposit of \$200.00 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 \$783.55. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

The landlord may retain the security deposit of \$200.00. I grant the landlord a monetary order of **\$783.55**.

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 15, 2016

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Residential Tenancy Branch