



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MND, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent, damage to the rental unit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The agent for the landlord provided affirmed testimony that on October 13, 2016 copies of the Application for Dispute Resolution and Notice of Hearing and evidence were sent to the tenant by registered mail to an address provided by the tenant the day prior. The landlord had made two prior attempts at service. The first attempt failed due to transposing the address numbers; the second was not successful.

A Canada Post tracking number and receipt was provided as evidence of service to the address given by the tenant in October, 2016. The tenant signed, accepting the mail on October 20, 2016. The Canada Post tracking information showing the signature was supplied as evidence.

Therefore, I find that the documents were served effective October 20, 2016 in accordance with section 89 of the *Act*.

The tenant did not appear at the hearing.

Preliminary Issues

The application includes a claim for unpaid December 2015 rent. The claim represents a loss of rent revenue. Therefore, pursuant to section 4.2 of the Rules of procedure the application has been amended to include a claim for loss of December 2016 rent revenue.

Issue(s) to be Decided

Is the landlord entitled to compensation in the sum of \$320.00 for loss of December 2015 rent revenue?

Is the landlord entitled to compensation in the sum of \$180.00 for cleaning; \$175.10 for wall washing and \$120.00 for debris removal?

Background and Evidence

The tenancy commenced on February 20, 2014. Subsidized rent was \$320.00 due on the first day of each month.

The landlord issued a two month Notice ending tenancy as the tenant did not supply asset and declaration information, as required to maintain the subsidy. That Notice had an effective date of November 30, 2016.

The landlord issued a 10 day Notice to end tenancy for unpaid December 2016 rent, as the tenant did not vacate the rental unit. The tenant had vacated by December 17, 2016 when the tenant failed to attend the move-out condition inspection.

The landlord has supplied evidence of the costs incurred for the items claims and photographs of the unit taken at the end of the tenancy. The tenant did not leave the unit reasonably clean and free of damage.

Analysis

Based on the submissions of the landlord and in the absence of the tenant who was served with Notice of this hearing, I find that the claim is unopposed and that the landlord is entitled to compensation as claimed.

I find pursuant to section 44(f) of the Act that the tenancy ended effective November 30, 2016; the effective date of the two month Notice ending tenancy. I find that the tenant then over-held in the rental unit from December 1 to 17, 2016. As the rental unit could not reasonably be rented before January 1, 2017. Therefore, I find that the landlord is entitled to compensation for loss of December 2016 rent revenue in the sum of \$320.00.

Section 37(2) of the Act provides:

2) When a tenant vacates a rental unit, the tenant must

(a) leave the rental unit reasonably clean, and undamaged except for reasonable wear and tear, and

(b) give the landlord all the keys or other means of access that are in the possession or control of the tenant and that allow access to and within the residential property.

As the landlord's application has merit I find, pursuant to section 72 of the Act that the landlord is entitled to recover the \$100.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary order in the sum of \$895.10. In the event that the tenant does not comply with this order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord is entitled to compensation as claimed.

The landlord is entitled to filing fee costs.

This decision is final and binding and 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: December 23, 2016

Residential Tenancy Branch