



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Seto Investments Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, OPN

Introduction

This matter dealt with an application by the landlord for a Monetary Order for compensation for cleaning and disposal expenses for the rental unit, loss of revenue to recover the filing fee for this proceeding and to keep the tenant's security deposit in partial payment of those amounts. Both the landlord's agent and respondent's agent attended the conference call hearing.

Issues(s) to be Decided

Is the Landlord entitled to compensation and if so, how much?

Background and Evidence

Service of the application was admitted by the respondent Public Trustee's agent on behalf of the Public Trustee and the estate of the deceased tenant.

Based upon the evidence of the landlord I find that this month-to-month tenancy started on July 1, 2007 and ended on November 28, 2016 when the landlord received a letter from the Public Trustee advising the landlord that they should consider the suite abandoned.

The rent was \$ 920.00 per month payable in advance on the 1st day of each month. The tenant paid a security deposit of \$ 425.00 on June 17, 2007.

The landlord testified that as a result of the death of the tenant on November 12, 2016, the Public Trustee's investigation and uncertainty as to whether the rent would be paid for December, the landlord incurred cleaning and disposal expenses amounting to \$ 400.00 as well as loss of revenue from December 1, 2016 through December 22, 2016 amounting to \$ 680.39.

WL for the Public Trustee did not challenge these claims.

Analysis

I find based upon the evidence of the landlord and acknowledgement by the respondent the Public Trustee, that all of the items claimed by the landlord are reasonably incurred. I find that the landlord has proven a claim totalling \$ 1,088.39. As the landlord has been successful in this matter, I find pursuant to s. 72 of the Act that they are also entitled to recover the \$ 100.00 filing fee for this proceeding. I order the landlord pursuant to s. 38(4) of the Act to retain the tenant's security deposit inclusive of interest amounting to \$ 434.89 in partial payment of the rent arrears. The landlord will receive a Monetary Order for the balance owing.

Calculation of Monetary Award

Loss of revenue (December 1-22, 2016)	\$ 688.39
Cleaning and disposal	\$ 400.00
Filing Fees for the cost of this application	\$ 100.00
Less Security Deposit and interest	-\$434.89
Total Monetary Award	\$ 753.50

Conclusion

In summary I ordered that the respondents pay to the applicant the sum of \$ 1,088.39 in respect of this claim plus the sum of \$ 100.00 in respect of the filing fee for a total of \$ 1,188.39. I order that the landlord retain the security deposit amounting to \$ 434.89 inclusive of interest. I grant the landlord a Monetary Order in the amount of **\$ 753.50** and a copy of it must be served on the respondents. If the amount is not paid, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of that Court. I have dismissed all other applications.

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: January 17, 2017

Residential Tenancy Branch