



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MND, MNSD, MNR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for the cost of cleaning, removal of garbage, unpaid utilities, late fee/NSF charges and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim.

The landlord sent a copy of her application and the notice of hearing to the tenant by registered mail on September 22, 2017, to the forwarding address provided by the tenant. The landlord provided tracking numbers. The landlord stated that she had tracked the package on line and found that the tenant had picked it up and signed for it. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord's agent 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? Is the landlord entitled to retain the security deposit?

Background and Evidence

The tenancy started on September 01, 2016. The monthly rent was \$2,995.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$1,797.50. A copy of the tenancy agreement was filed into evidence. A clause in the agreement requires the tenant to pay \$25.00 for late rent and \$25.00 for cheques returned for insufficient funds.

The landlord stated that the tenant moved out on August 31, 2017 pursuant to an order of possession granted to the landlord at a previous hearing. The Arbitrator also ordered the landlord to retain the filing fee of \$100.00 from the security deposit. Accordingly, the landlord is holding a security deposit of \$1,397.50.

The landlord testified that the tenant left the rental unit in a dirty condition which required cleaning and removal of garbage and unwanted possessions of the tenant. The landlord filed photographs and invoices to support her monetary claim as follows:

1.	Cleaning	\$480.00
2.	Carpet Cleaning	\$420.00
3.	Garbage disposal	\$378.00
4.	Unpaid Utilities	\$528.30
5.	Late/NSF charges	\$50.00
6.	Filing fee	\$100.00
	Total	\$1,956.30

Analysis

Based on the sworn undisputed testimony of the landlord and photographs and invoices filed into evidence by the landlord, I find that the landlord has provided sufficient evidence to support her monetary claim for cleaning, carpet cleaning, garbage disposal, unpaid utilities and late/nsf charges. Since the landlord has proven her claim, she is also entitled to the filing fee.

The landlord has established a claim of \$1,956.30. I order that the landlord retain the deposit of \$1,397.50 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 \$558.80. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for the amount of **\$558.80**.

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: April 18, 2018

Residential Tenancy Branch