



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      MNR, MNSD, FF

### Introduction

This hearing dealt with the landlord's request for a Monetary Order for unpaid rent, cleaning costs, retention of the security deposit and recovery of the filing fee. The tenants did not appear at the hearing. The landlord provided evidence that the landlord served the tenants with notification of today's hearing by registered mail. The registered mail was sent to the tenants May 19, 2009 but was refused and returned by Canada Post. As evidence the landlord provided a copy of the registered mail envelopes, including tracking numbers. Upon enquiry, the landlord testified that when the tenants vacated the rental unit, on or about May 7, 2009 he followed the tenants to their new home and confirmed with their landlord the tenants were residing there. The landlord testified that the tenants moved from that address after the registered mail was sent and returned by the post office. I was satisfied that the landlord served the tenants with notification of today's hearing at an address at which they resided at the time of mailing and the hearing proceeded without the tenants present.

### Issues(s) to be Decided

1. Has the landlord established an entitlement to unpaid rent and cleaning costs?
2. Retention of the security deposit.
3. Award of the filing fee.

### Background and Evidence

The landlord testified and provided evidence of the following. The tenancy commenced September 1, 2008 and the tenants were required to pay rent of \$675.00 per month. The tenants paid a \$365.00 security deposit at the commencement of the tenancy. The tenants failed to pay rent for March or April 2009. The landlord issued a *10 Day Notice to End Tenancy for Unpaid Rent* (the Notice) on April 23, 2009 and served it upon the tenants via registered mail. The Notice had an effective date of May 4, 2009 and indicated the outstanding rent as of April 23, 2009 was \$1,350.00. The tenants vacated on or about May 7, 2009 and the rental unit was left dirty and smelling of cat urine.



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In making this application, the landlord was seeking recovery of unpaid rent for the months of March, April and May 2009. The landlord was seeking to recover the cost of \$341.25 paid to cleaners who spent two days cleaning the unit. The landlord testified

that the rental unit had been professionally cleaned prior to the tenancy commencing. As evidence for the hearing, the landlord provided a copy of the 10 Day Notice, the invoice from the cleaners and a partial tenancy agreement.

## Analysis

Based on the undisputed evidence before me, I am satisfied the tenancy legally ended on May 7, 2009 and the landlord is entitled to rent for the months of March, April and May 2009 in the sum of \$2,025.00. As I found the landlord to be credible, I also accept the landlord's testimony with respect to the condition of the rental unit at the beginning and end of the tenancy and I award the landlord the cleaning costs of \$341.25. Therefore, the landlord has established a total claim of \$2,366.25 for unpaid rent and cleaning.

The landlord is authorized to retain the tenants' security deposit and accrued interest in partial satisfaction of the rent owed the landlord. As the landlord was successful in this application, I also award the filing fee to the landlord. A Monetary Order is enclosed with the landlord's copy of this decision, calculated as follows:

Unpaid rent – March, April, May 2009	\$ 2,025.00
Cleaning	341.25
Filing fee	50.00
Less: security deposit and interest	<u>(366.82)</u>
Monetary Order	<u>\$ 2,049.43</u>

The Monetary Order must be served upon the tenants and may be filed in Provincial Court (Small Claims) and enforced as an Order of that court.

## Conclusion

The landlord is authorized to retain the tenants' security deposit and is provided a Monetary Order for the balance of \$2,049.43.



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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 13, 2009.

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Dispute Resolution Officer