

DECISION AND REASONS

Dispute Codes: *MNR, MNDC, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order to recover unpaid rent, the costs of cleaning, liquidated damages for ending the tenancy prior to five months and for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord established a claim for costs incurred to clean, re rent the rental unit and for the filing fee? Does the tenant owe the landlord rent?

Background and Evidence

The tenancy started on July 01, 2009. Prior to moving in the tenant paid a security deposit of \$471.00. The rent was \$942.00. The rental agreement contained a clause stating that a charge of \$100.00 would apply if the tenant ended the tenancy prior to five months. This charge would cover the cost of advertising and finding a new tenant.

On July 08, 2009 the tenant gave the landlord notice to end the tenancy effective July 31, 2009. On July 31, both parties conducted a move out inspection and the tenant signed in agreement to a deduction of \$36.75 for carpet cleaning, \$100.00 for liquidated damages and \$942.00 for rent for August.

After retaining the security deposit in satisfaction of the landlord's claim, the tenant agreed that he owed the landlord \$607.75. Since the landlord has proven his case he is also entitled to \$50.00 for the filing fee.

Analysis

The landlord has established a claim of \$657.75 and I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act* for this amount. 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 in the amount of **\$657.75**

Dated November 24, 2009.

Dispute Resolution Officer