



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: MND, MNR, MNDC, MNDS, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order to retain the security and/or pet deposit pursuant to Section 38; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was deemed served with the Application for Dispute Resolution hearing package sent by way of registered mail which mail was returned to the landlord unclaimed.

Despite being duly deemed served with the Notice of Hearing the tenant did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Is the landlord entitled to an order allowing her to retain the security deposit and a monetary order for unpaid rent, cleaning, damages and for recovery of the filing fee?

Background and Findings**Monetary Order*****Rental Arrears***

The landlord testified that this tenancy began in May 2006. The landlord testified that on November 15, 2009 the tenant gave notice of his intention to vacate the rental unit on November 30, 2009. Based on the undisputed evidence of the landlord I find that the landlord is entitled to a monetary order for cleaning and repairs costs, unpaid utilities and rent in lieu of 30 days notice for the period December 1 - 15, 2009 as follows:

Cleaning Suite	95.00
Carpet Cleaning	90.00
Replace broken window blinds	53.10
Rent for the notice period	424.48
Total	\$662.58

The landlord also seeks recovery of expenses incurred for mailing the Application for Dispute Resolution and costs of preparing photographs. These claims are dismissed as I am unable to award costs expended in making this claim with the exception of the filing fee.

Security Deposit

Having been awarded a monetary order, I will allow the landlord to retain the security deposit and interest to the date of this decision in partial satisfaction of the monetary award made.

Filing Fees

Having been successful in this application, I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Monetary Award	\$662.58
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest from May 18, 2009 to the date of this Order	-439.23
Total Monetary Award	\$273.35

Conclusion

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.