



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This conference call hearing was convened in response to the landlord's application for a Monetary Order for unpaid rent, to keep all or part of the security deposit; and to recover the filing fee associated with this application.

The landlord participated in the hearing and provided affirmed testimony. She testified that she served the Notice of a Dispute Resolution Hearing to the tenant by way of registered mail, for which Canada Post confirmed successful delivery on November 12th, 2010. The tenant did not participate and the hearing proceeded in the tenant's absence.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to keep all or part of the security deposit?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of a trailer in a manufactured home park. Pursuant to a written agreement, the month to month tenancy started in December 2009. The monthly rent of \$700.00 was payable on the first of each month. The tenant paid a security deposit in the amount of \$350.00.

The landlord testified that she received third hand information that her tenant was moving out. She said that she spoke with the tenant by telephone late September 2010, and that the tenant confirmed that he was leaving but did not provide her with a move out date. The landlord said that the tenant left the unit on October 2, 2010 without providing her with a written notice. The landlord said that the unit was not cleaned and provided an updated monetary claim as follows:

- Loss of October 2010 rent:	\$ 700.00
- Receipt for carpet cleaning:	\$ 89.60
- Receipt for flea spray:	\$ 23.12
- Receipt for dump fee:	\$ 5.00
- 20 hours of cleaning:	\$ 280.00
- Mailing costs:	\$ 10.14
- Filing fee:	\$ 50.00
- Sub-Total:	\$1157.86
- Less security deposit:	\$ 350.00
- Total:	\$ 807.86

Analysis

I accept the landlord's undisputed testimony that she served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to the *Residential Tenancy Act*. I find that the tenant knew, or ought to have had knowledge of the date scheduled for this hearing.

With the exception of the filing fee, there is no provision under the Act entitling a party to claim mailing or other fees associated with filing an application for dispute resolution. Therefore the landlord's mailing cost of \$10.14 is dismissed.

Based on the available evidence, I accept the landlord's testimony regarding the loss of rent and the cleaning that she performed at the end of the tenancy. Accordingly, I find that the landlord is entitled to a monetary order.

Conclusion

The landlord has established a claim of \$797.72, inclusive of the retention of the security deposit, which I authorize the landlord to keep, and the filing fee.

Pursuant to Section 67 of the Act, I grant the landlord a monetary order totalling \$797.72. This Order may be registered in the Small Claims Court and enforced as an Order of that Court.

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: March 03, 2011.

Residential Tenancy Branch