Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNR, OPR, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent. This hearing was initially scheduled to be heard along with the tenant's application to cancel the notice to end tenancy. The landlord was unable to attend due to illness and her agent was unaware that the landlord had made application too. Accordingly the landlord's application was rescheduled to be heard on this date – August 02, 2011.

The Residential Tenancy Branch office sent out letters with information regarding the hearing date, time and codes to both parties. The tenant had provided his new mailing address at the previous hearing and the notice of hearing was mailed to this address. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The tenant has moved out and therefore the landlord's application for an order of possession in dismissed. At the start of the hearing, the landlord requested that her application be amended to include the recovery of the filing fee and the costs to clean and repair the unit. The landlord filed evidence of the condition of the unit and the cost she incurred to clean and haul away garbage to the dump. The landlord stated that she had served this evidence to the tenant in person. Accordingly, I allowed the amendment of the landlord's application to include the recovery of the filing fee and the costs incurred to clean the unit.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent, cleaning and repair costs and for the filing fee?

Background and Evidence

The landlord testified that the tenancy started on December 01, 2010 and ended on June 30, 2011. The rent was $1,200.00 due on the first of each month. The tenant paid rent for the first month by cheque which was returned for lack of funds. The tenant subsequently paid $1,200.00 in cash for the month of December 2010.

The landlord stated that from the second month on, the tenant did not pay rent. In March 2011, the landlord served the tenant with a notice to end tenancy. The landlord stated that the tenant convinced her that he would be receiving some money shortly and she agreed to wait. On June 07, 2011, the landlord served the tenant with a second notice to end tenancy and filed for dispute resolution.

Prior to the hearing scheduled for July 04, 2011, the tenant moved out without paying rent. The tenant owes the landlord rent for the months of January to June 2011 for a total of $7,200.00.The landlord also stated that the tenant left the unit in a messy condition and she has filed evidence of the expenses that she incurred for cleaning ($100.00), and garbage removal ($80.00). The landlord did not file evidence to support her claim of $120.00 for drywall repairs.

Analysis
Based on the verbal and documentary evidence filed by the landlord and in the absence of any contradictory evidence, I find that the landlord has established a claim for unpaid rent ($7,200.00), garbage removal ($80.00) and cleaning ($100.00). I dismiss the landlord's claim for wall repairs due to insufficient evidence. Since the landlord has proven her claim, I find that she is also entitled to the recovery of the filing fee ($100.00).

Overall, the landlord has established a claim for $7,480.00. I grant the landlord an 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 **$7,480.00.**

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 02, 2011.

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Residential Tenancy Branch