



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent served August 12, 2008 by posting on the tenant's door. The landlord also sought a Monetary Order for the unpaid rent, loss of rent, carpet replacement, cleaning costs and filing fee, and authorization to retain the security and pet damage deposits in set off against the balance owed. As the tenant had moved out on September 2, 2008, the landlord withdrew the request for an Order of Possession.

Despite being served with the Notice of Hearing sent by registered mail on August 26, 2008, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issue(s) to be Decided

Whether the landlord is entitled to the monetary claims in part or in whole, and whether the security and pet damage deposits may be retained in set off the balance owed.

Background and Evidence

This tenancy began August 26, 2006. Rent was \$793 per month and the landlord holds a security deposit of \$382.50 paid on August 16, 2006 and a pet damage deposit paid on March 11, 2008.

During the hearing, the landlord gave evidence that the Notice to End Tenancy was served when the tenant had not paid the rent for August which remained unpaid at the time of the hearing. The landlord claims loss of rent for September as the tenant did not give vacant possession until September 2, 2008 and the need for cleaning and carpet replacement made it impractical to get new tenants for September.

Analysis

The landlord claims reimbursement from the tenant and credits to the tenant, and I find on each as follows:

Landlords claims

1. *Unpaid rent for August 2008.* The landlord is entitled to \$793.
2. *Loss of rent for September.* I find that the landlord is entitled to recover the full month's rent of \$793.
3. *Carpet replacement.* The landlord claims \$750 for replacement of the carpet. However, the landlord advised that the carpet was approximately 14 years old. Under standard depreciation guides, the projected life span of average carpeting is 10 years. Therefore, I disallow this claim.
4. *General cleaning.* The landlord claims 19 hours work at \$30 per hour, a total of \$570. While the landlord claimed to have done the cleaning herself and that the rate was less than what her daughter charged as a professional cleaner, I find

the charges to be substantially beyond the norm and allow a reduced award of \$200.

5. *Filing fee.* As the landlord's application has succeeded in large, I find that the landlord is entitled to recover the \$50 from the tenant.

Tenants Credits

1. *Key deposit.* The rental unit is in a strata building and the strata corporation held a \$75 deposit, since returned to the landlord. The tenant is credited with that amount.
2. *Security deposit.* The tenant paid a security deposit of \$382.50 on August 16, 2006 which has accumulated interest to date of \$10.75. The landlord gave evidence that the tenant agreed to her retention of the security deposit.
3. *Pet damage deposit.* The tenant paid a pet damage deposit of \$382.50 on March 11, 2008 which has accumulated interest of \$3.12. The landlord gave evidence that the tenant agreed to her retention of the pet damage deposit.

Thus, the award to the landlord is calculated as follows:

August rent	\$ 793.00
September loss of rent	793.00
General cleaning	200.00
Filing fee	50.00
Sub total	\$1,836.00
Less recovered key deposit	- 75.00
Less retained security deposit	- 382.50
Less interest	- 10.75
Less retained pet damage deposit	- 382.50
Less interest	- 3.12

TOTAL	\$ 982.13
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Conclusion

The landlord's copy of this decision is accompanied a Monetary Order, enforceable through the Provincial Court of British Columbia for \$982.13 for service on the tenant.

September 25, 2008
