



Dispute Resolution Services

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

DECISION

Dispute Codes: MNDC, OLC, RP, PSF, FF, O

Introduction

This hearing dealt with an application by the tenant for a monetary order for money owed and for an order for the landlord to make repairs to the unit.

Issues to be Decided

Is the tenant entitled the costs incurred for power washing her own patio?

Is the tenant entitled to an order for the landlord to replace her carpet and repaint her rental unit?

Background and Evidence

The tenancy began on June 30, 1995.

The tenant said that the management of the building used to power wash her patio but they had neglected to do so in 2008. Therefore, she rented a power washer and power washed her own patio. She is claiming for \$200.00 for 4 hours of her labour and \$40.00 for rental of the power washer.

The tenant also said that the carpet in her unit needs to be replaced and her rental unit needs to be repainted. She is therefore asking for an order for the landlord to complete these two upgrades.

Analysis

Issue #1 Is the tenant entitled the costs incurred for power washing her own patio?

The tenant is claiming for a total amount of \$240.00 comprised of \$200.00 in her labour and \$40.00 in rental of the power washer. She submitted an invoice for this amount to the landlord with the notation on the top, "May, 2008". I asked the tenant if she could provide a receipt for the rental of the power washer. She hesitated and replied that she could not find it. After the landlord gave his testimony, the tenant changed her testimony to state that she borrowed a power washer from a friend, gave this friend \$40.00 and no receipt was issued. The tenant provided no explanation for this inconsistency regarding whether a receipt for the rental of the power washer was ever issued.

The landlord said that power washing of the entire outside of the building, including the tenant's patio, was done. He submitted a quotation dated May 21, 2008 for pressure washing and painting the exterior of the building for the amount of \$23,000.00. I note that at the bottom of this document, there is a hand-written notation "paid July 7, 2008 cheque # 2056".

Based on the above, I find that the landlord did complete power washing of the tenant's patio sometime between May 21 and July 7. At the same time, no evidence was adduced to indicate that the tenant had made any written request to the landlord to power wash her patio. Furthermore, the tenant was unable to produce any trustworthy or credible evidence to support her claim of the costs incurred in power washing her own patio. The tenant is therefore not entitled to a monetary order for the costs incurred in power washing her own patio.

Issue #2 Is the tenant entitled to an order for the landlord to replace the carpet and repaint her rental unit?

The tenant is seeking for an order for the landlord to replace her carpet and repaint her

rental unit. She said that her claim is based on guidelines provided in Table 1 in the Residential Tenancy Policy Guideline titled "Useful Life of Work Done or Thing Purchased". I note that information contained in this table is not a guideline for the tenant's entitlement to upgrades in her rental unit.

The landlord submitted photos showing that the carpet was in reasonable condition despite its age. Specifically, the landlord referred me to photos 18B, 18I and 18J. He also pointed out that the large stain in photo 18J was the result of the tenant and her co-tenant spilling battery acid on it.

The landlord also submitted numerous photos showing walls in various rooms of the rental unit. These photos show that the walls are in reasonable condition.

All of the above evidence leads me to conclude that the tenant is not entitled to an order for the landlord to replace her carpet and to repaint the rental unit.

Conclusion

The claimant's application for a monetary order for the costs incurred for power washing own her patio and for an order for the landlord to replace her carpet and to repaint her rental unit is dismissed.

Dated October 30, 2008.