

Dispute Resolution Services

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

Decision

Dispute Codes: MND MNDC MNR MNSD

Introduction

This matter dealt with an application by the landlord to obtain a monetary order for damages and for loss of revenue. The landlord also seeks to retain all or part of the security deposit and to recover the filing fee for the cost of this application.

The landlord and the tenant appeared at the hearing and were afforded the opportunity to present evidence. In addition, I will consider their written submissions which were received prior to the date.

Issue(s) to be Decided

Is the landlord entitled to a monetary order, and if so in what amount?

Background and Evidence

The tenancy commenced on June 1, 2008 at a monthly rent of \$1200.00, and a security deposit of \$600.00 was also paid. The tenant vacated the rental unit on November 4, 2008 without giving adequate notice to the landlord. The landlord was able to re-rent the unit as of December 1, 2008.

The landlord's claim is as follows:

- loss of revenue for November \$1200.00
- carpet cleaning \$130.00

- lock changing and re-keying \$110.88
- toilet paper holder \$11.13
- cleaning services \$89.20
- replacement of one interior and one exterior door \$358.26
- filing fee \$50.00

The landlord's evidence is:

- that the locks were changed, as the tenant stated that he still had a key and might come back into the rental unit
- the carpet cleaning was required as part of the tenancy agreement
- the master bedroom door had holes in it and the front (metal) door had two dents on the interior
- the unit was not left in a clean state and required cleaning
- the toilet paper holder was missing

The tenant's evidence is:

- the carpets were left in a clean state and that the landlord's photos show only a small portion of the carpet
- that the rental unit was left clean, and the only evidence provided in the photos is the area under a sink
- the master bedroom door was damaged when the tenant was moving out
- the tenant's son had a key but that there was no intention to use the key
- the front door was damaged due to the lack of a door stop
- that the landlord has not actually replaced the front door at this time

Analysis

I have considered the evidence off both parties and examined the documents and photos provided. I note that the landlord failed to comply with the legislation in that she did not offer the tenant the required two opportunities to attend a move out inspection. The landlord did conduct a move out inspection on her own, but as the tenant was not present it represents only one point of view.

I find that the landlord is entitled to the loss of revenue of \$1200.00, the carpet cleaning of \$133.00, the toilet paper holder \$11.13, the interior door replacement of \$133.56 and the filing fee of \$50.00.

I do not find that the lock replacement was necessary, as there is no evidence that the landlord requested the return of the other key and that she replaced the locks the same day the tenant moved out. I find that action premature on the landlord's part and decline to accept that as part of a monetary award.

I further find that the cleaning costs are also not to be included, as there is no evidence that the landlord offered the tenant the required opportunities to participate in an inspection and has also failed to provide any significant evidence that the rental unit was left unclean.

In regards to the replacement of the front door, I find that the dents are of a minor nature and due to the lack of a door stop are signs of normal wear and tear. I dismiss the portion of the claim related to the exterior door.

Conclusion

I find that the landlord has established a claim in the amount of \$1527.69. I order that the landlord may retain the security deposit plus interest valued at \$604.89, and I grant the landlord a monetary order for the balance of \$922.80. The order may be filed with and enforced as an order of the Provincial Court of British Columbia.

Dated: December 16, 2008