

DECISION AND REASONS

Dispute Codes: OP, MN, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order to retain the security and/or pet deposit pursuant to Section 38; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenants were properly deemed served with the Application for Dispute Resolution hearing package by way of registered mail.

The tenants did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord is entitled to monetary order for unpaid rent, damages and recovery of the filing fee.

Background Summary and Findings

Monetary Order

The landlord testified that they believe the tenants moved out of the rental unit on August 20, 2008 having only given notice on August 14, 2008. The landlord provided evidence that the tenant's August rent cheque was returned due to non-sufficient funds and they did not pay rent for September 2008 although they did not give proper notice. The landlord testified that during the course of the tenancy, without the landlord's permission, the tenants had sub-let the basement of the rental home to other tenants. These tenants reported to the landlord that there was an animal abandoned in the

rental unit. The landlord testified further that upon entering in the abandoned rental unit they discovered the tenants had left behind a dog. The dog was distressed having lived for some days abandoned in the rental unit causing extensive damages to walls, floors and carpets. The landlord had to make repairs to the rental unit before it could be re-rented. The landlord claims as follows:

August Rent	\$1,000.00
September rent	1,000.00
Flea treatment	105.00
Carpet Cleaning	315.00
Replacement of carpet in areas too damaged to be cleaned	460.94
Kilz floor seal required to remove urine odour	61.39
Paint Primer	37.16
Dump Fees	27.50
Labour to install carpet	240.00
Cleaning costs 198 hours at \$16.50 per hour	313.50
Total	\$3,560.49

The landlord has provided receipts for all items claimed.

Based on the evidence provided I find that the landlord has met the burden of proving that the tenants did not pay rent for August, abandoned the unit without proper notice leaving behind their dog which, in its distressed state, damaged the rental property. I find the landlord's claim for damages reasonable and I will allow the landlord a monetary order for rent and damages in the total amount of \$3,560.49.

Security Deposit

Having awarded the landlord a monetary order I will use the offsetting provisions allowed under the Act to allow the landlord to retain the security deposit in partial satisfaction of the monetary award given.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Monetary Award	\$3,560.49
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest from November 15, 2005 to the date of this Order	-517.70
Total Monetary Award	\$3,092.79

Conclusion

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.