



Dispute Resolution Services

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

Decision

Dispute Codes: OPC OPB MND MNDC MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. At the outset of the hearing the landlord withdrew the portion of their application regarding an order of possession, on the basis that the tenants had already vacated.

An agent for the landlord and one of the two tenants participated in the teleconference hearing.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on October 1, 2006. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$100 and a pet deposit in the amount of \$200. The tenancy ended on or about December 31, 2008. The landlord's evidence was that the landlord and tenant participated in a move-out inspection, but the tenant did not agree to the move-out charges the landlord claimed. The landlord submitted as supporting evidence a copy of part of the move-out inspection report, on which the landlord's agent indicated that a section of the lino would have to be replaced, for an estimated \$700, and that two "fist-sized" holes in walls would need to be repaired for an estimated \$100. In the hearing the landlord stated that according to their records the lino had been installed in June 2006. The landlord has claimed \$700 for replacing the lino, \$100 for repairing the holes in the walls, and \$79 for steam cleaning. The landlord's evidence did not include the portion of the move-out

inspection that referenced carpet cleaning; nor did the landlord provide any receipts for work done.

Analysis

I find that the landlord has not provided sufficient evidence to support any portion of their claim. The amounts the landlord has claimed are based solely on estimates at the time of the move-out inspection.

Conclusion

The landlord's application is dismissed. As the application was unsuccessful, the landlord is not entitled to recovery of the filing fee for the cost of the application.

As the landlord is not entitled to retain the pet and security deposits, I grant the tenant a monetary order for return of the pet and security deposits and applicable interest totalling \$309.47. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 9, 2009.