



Dispute Resolution Services

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

Decision

Dispute Codes: MND, MNSD, MNDC, FF

Introduction

This hearing dealt with an application from the landlord for a monetary order in compensation for costs associated with cleaning and repairs to damage in the unit, compensation for damage / loss, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee. Both parties participated and / or were represented in the hearing and gave affirmed testimony.

Issue to be Decided

- Whether the landlord is entitled to a monetary order under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the fixed term of tenancy was from September 1, 2008 to April 30, 2009. However, by way of mutual agreement between the parties the tenancy ended effective February 1, 2009. Rent in the amount of \$1,150.00 was payable in advance on the first day of each month, and a security deposit of \$575.00 was collected on August 4, 2008.

The landlord's application arises out of her view that the unit sustained damage during the term of the tenancy which was in excess of normal wear and tear. Further, the landlord alleges that cleaning and certain repairs were required after the tenants had vacated the unit. The landlord's evidence includes an itemized list of costs associated with her claim, in addition to photos, estimates and receipts.

During the hearing the parties exchanged perspectives on each aspect of the landlord's claim, agreed to remove a couple of items and endeavored to resolve those items that remained.

Analysis

Pursuant to section 63 of the Act, by way of their concerted efforts, goodwill and spirit of compromise, during the hearing the parties achieved a settlement of the dispute.

Specifically, agreed-upon costs for resolution of the remaining aspects of the claim are as follows:

\$ 50.00 - cleaning lady

\$ 17.91 – carpet cleaner

\$ 68.25 – professional carpet cleaning

\$346.89 – carpet replacement, removal, disposal, installation

\$ 26.78 – lightbulbs & hoodfan filter

\$ 24.00 – turning knob from blind

\$157.25 – vanity countertop, installed & sink cut / removal & disposal

\$ 10.00 – garbage disposal

\$ 25.00 – tape and scratches on fridge

\$ 25.00 – walls & ceilings – fill, sand & paint

Total: \$751.08

Pursuant to the above agreement, I find that the landlord has established a claim of \$751.08. I also find that the landlord is entitled to recovery of the \$50.00 filing fee for this application (total claim: \$751.08 + \$50.00 = \$801.08). I order that the landlord retain the security deposit of \$575.00 plus interest of \$3.53 (\$578.53), and I grant the

landlord a monetary order under section 67 of the Act for the balance due of \$222.55 (\$801.08 – \$578.53).

Conclusion

I hereby grant the landlord a monetary order under section 67 of the Act for **\$222.55**. The tenants are ordered to pay this amount FORTHWITH to the landlord. Should the tenants decline to pay, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: April 22, 2009

Dispute Resolution Officer