



Dispute Resolution Services

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

Decision

Dispute Codes: MND, MNDC, FF

Introduction

This hearing dealt with an application from the landlord for a monetary order in compensation for such costs associated with but not limited to cleaning, storage, labour, and repairs to damage in the unit, loss of rental income and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. Despite being personally served by the landlord on or around February 15, 2009 with the application for dispute resolution and notice of hearing, the tenant did not appear.

Issue to be Decided

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

Background and Evidence

Pursuant to an order of possession, the tenant was required to vacate the unit by 1:00 p.m. on September 1, 2008. Within a day or two of September 1, 2008, the tenant had left the unit and was reported to the police as missing. However, as his considerable possessions and three cats had been left behind, the landlord assumed responsibility for turning the cats over to the SPCA, removing the tenant's possessions and putting them into storage, cleaning the unit and undertaking necessary repairs. The landlord seeks a monetary order in compensation for costs associated with these undertakings. Pursuant to a decision issued by a dispute resolution officer dated October 3, 2008, the landlord has retained the tenant's security deposit of \$323.50 plus interest and agreed that it will be applied against the costs claimed as set out below.

Analysis

Angel Restoration Site Inspection

Claim: \$131.25 Portion allowed: \$131.25

United Pacific Transport Movers

Claim: \$426.30 Portion allowed: \$426.30

Public Storage

Claim: \$227.00 Portion allowed: \$227.00

Angel Restoration Decontamination

Claim: \$609.00 Portion allowed: \$609.00

United Pacific Transport Garbage Removal

Claim: \$81.90 Portion allowed: \$81.90

Efficient Cleaning Service

Claim: \$187.50 Portion allowed: \$187.50

Loss of Rental Income for September 2008

Claim: \$725.00 Portion allowed: \$725.00

HP Laptop Computer

Claim: \$1,078.52 Portion allowed: Order issued as per **Conclusion** below.

Failure to comply may lead to the landlord's application for a further monetary order.

Labour associated with managing tenant's possessions, readying the unit for occupancy, moving items from storage locker etc:

Claim: 10 hours @ \$40.00/hr. = \$400.00

4 hours @ \$25.00/hr. = \$100.00

8 hours @ \$65.00/hr. = \$520.00

22 hours \$1,020.00

Portion allowed: \$550.00 (22 hours @ \$25.00/hr). There is no evidence to suggest that professional services were engaged in this labour but, rather, that labour was undertaken by the landlord and her associate.

Broken Window Blind

Claim: \$50.00 Portion allowed: Dismissed in the absence of sufficient evidence.

6 halogen lightbulbs

Claim: \$24.00 Portion allowed: \$24.00, as I find on a balance of probabilities that the need for replacement came about during the tenancy.

Repair Window and hinges

Claim: \$40.00 Portion allowed: \$40.00

Replace towel rack

Claim: \$25.00 Portion allowed: \$25.00

Dump charges

Claim: \$19.00 Portion allowed: \$19.00

Advertising

Claim: \$71.81 Portion allowed: \$71.81

Love's Auctioneers & Appraisers

Claim: \$105.00 Portion allowed: \$105.00

Miscellaneous costs including camera, photos, registered mailing

Claim: \$200.00

Section 72 of the Act addresses **Director's orders: fees and monetary orders.**

With the exception of the filing fee for an application for dispute resolution, the Act does not provide for the award of costs associated with litigation to either party to a dispute. Accordingly, this aspect of the claim for compensation is dismissed.

Portion allowed: Dismissed, as above.

Based on the documentary evidence which includes photos in and around the unit as well as various receipts, and the undisputed testimony of the landlord, I find that the landlord has established a claim of \$3,272.76. This is comprised of the respective portions of claims allowed as above, which total \$3,222.76, in addition to the \$50.00 filing fee for this application. In view of the previous order permitting the landlord to retain the security deposit of \$323.50, I grant the landlord a monetary order under section 67 of the Act for the balance due of \$2,949.26 (\$3,272.76 - \$323.50)

Conclusion

I hereby grant the landlord a monetary order under section 67 of the Act for **\$2,949.26**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

I hereby also order that the tenant release FORTHWITH to the landlord the landlord's HP Laptop Computer which the tenant now holds.

DATE: April 20, 2009

Dispute Resolution Officer