



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION AND REASONS

### Dispute Codes

MND & FF

### Introduction

This hearing dealt with an application by the landlords seeking a monetary claim related to damage to the rental unit. Although the representative of the tenant's estate was served by registered mail with notice of this hearing and application, she did not appear for the hearing. I am satisfied that the estate of the tenant has been properly served notice of this proceeding and I continued with the hearing in the absence of a representative for the tenant.

### Issue to be Determined

Have the landlords' established a monetary claim related to damage caused by the tenant?

### Background and Evidence

This tenancy began on November 1, 2007 for the monthly rent of \$560.00 and a security deposit of \$280.00 paid on October 11, 2007. The tenancy ended April 30, 2008 after the tenant passed away in March 2008. I note that the dates recorded in the tenancy agreement were incorrect and read as 2008 instead of 2007.

As a result of the tenant's passing in the rental unit there was damage to the carpets in the living room. The landlords also submitted photographic evidence showing that the carpets in the two bedrooms had also been significantly stained. The landlords are seeking a monetary claim for the replacement of the carpets in the rental unit.

The landlords provided a copy of a letter dated May 1, 2008 from the tenant's representative confirming that cost to replace the carpets was a result of the tenant's death. In this letter the tenant's representative indicates that the landlords should forward the bills related to repairs and cleaning to her legal counsel for reimbursement. The landlords stated that they complied; however, since May 2008 has not received any payment. The landlords stated that they attempted to contact the tenant's representative since then without any response.

As serving the notice of this hearing the landlords stated that the tenant's representative contacted them and left a telephone message indicating that the matter could be resolved without a Dispute Resolution Hearing. However, no further contact has been made.

### Analysis

I grant the landlord's application in part. I accept the evidence before me that the tenant's representative was aware of the damage to the rental unit and had stated that the landlords' damages would be reimbursed. Unfortunately this has not occurred and the tenant's representative has not kept the landlords' apprised of the situation.

I accept that the tenant damaged the carpets in the two bedrooms as depicted by the photographic evidence and I also accept that the damage to the living room was a result of the tenant's death. However, I adjust the landlords' application to reflect the depreciation of the carpets given that the carpets were seven years old. The useful life, or value, of carpets is 10 years. Therefore, I find that the landlords' are entitled to 30 percent of the cost to replace the carpets or the sum of \$1,071.60. In addition the landlords are entitled to the recovery of the filing fee paid for this application.

I find that the landlords have established a total monetary claim for the sum of **\$1,121.60**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

### Conclusion

The landlord's application is granted in part and a monetary Order issued.

Dated May 13, 2009.

---

Dispute Resolution Officer