



Dispute Resolution Services

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

Decision

Dispute Codes: MND, MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for cleaning and repairs in the unit, replacement of missing furniture, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee for this application. Both parties participated 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 term of tenancy was from September 4 to November 30, 2008. Thereafter, tenancy continued on a month-to-month basis. Rent in the amount of \$1,800.00 was payable in advance on the first day of each month, and a security deposit of \$900.00 was collected on September 8, 2008.

As a result of outstanding rent for December 2008 and January & February 2009, the landlord issued a 10 day notice to end tenancy for unpaid rent. The landlord submitted into evidence a copy of the 10 day notice dated February 4, 2009. Subsequently, the tenant vacated the unit on or about February 15, 2009.

Following the departure of the tenant from the unit the landlord incurred costs arising from general cleaning and repairs, carpet cleaning and garbage removal. The landlord also seeks compensation for replacement of two missing pieces of furniture: a bedside nightstand and a dining room cabinet. During the hearing the tenant did not dispute the

landlord's claim for costs, however, an agreement was reached between the parties in regard to the tenant's return of the two missing pieces of furniture.

Analysis

Pursuant to section 63 of the Act, discussion between the parties during the hearing led to resolution of the matter of two missing pieces of furniture. Specifically, the parties agreed as follows:

- that the tenant will contact the landlord's agent by telephone in order to confirm the time when the tenant will deliver the two pieces of furniture to the landlord's place of business on Thursday, June 4, 2009;
- that in light of the above agreement, the landlord withdraws the claim for compensation to replace the two pieces of furniture.

Further to the above, based on the documentary evidence and testimony of the parties, I find that the landlord has established a claim of \$6,191.25. This is comprised as follows:

\$5,400.00 - 3 months of unpaid rent (December 2008, January & February 2009)

\$ 110.00 - removal of (wet) garbage from the unit

\$ 320.00 - garbage removal and extensive general cleaning

\$ 236.25 - carpet cleaning

\$ 25.00 - NSF fee for rent cheque issued for December 2008

\$ 100.00 - filing fee for this application

Total: \$6,191.25

I order that the landlord retain the security deposit of \$900.00 plus interest of \$4.24, and I grant the landlord a monetary order under section 67 of the Act for the balance due of \$5,287.01 (\$6,191.25 – \$904.24).

Conclusion

I hereby grant the landlord a monetary order under section 67 of the Act for **\$5,287.01**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: May 29, 2009

Dispute Resolution Officer