



# Dispute Resolution Services

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

## **Decision**

**Dispute Codes:** MND, MNSD, FF

## **Introduction**

This hearing dealt with an application from the landlord for a monetary order as compensation for cleaning and repairs to damage in the unit, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee for this application. 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 December 1, 2008 to November 30, 2009. Rent in the amount of \$840.00 was payable in advance on the first day of each month, and a security deposit of \$420.00 was collected on December 4, 2008. A move-in condition inspection and report were completed on December 5, 2008.

As a result of the landlord's concerns about the conduct and behaviour of the tenants and / or their guests, in addition to concerns about damage to the property, the tenancy ended at or around the close of January 2009. It is not clear whether a 10 day notice to end tenancy for unpaid rent and / or a 1 month notice to end tenancy for cause was served on the tenants. In any event, the landlord's agent and the tenants' agent agreed that monies were owed for cleaning and repairs to damage in the unit which resulted from the short-lived tenancy. During the hearing the parties engaged in a discussion with a view to settling the details of the dispute.

## **Analysis**

Pursuant to section 63 of the Act, the conversation between the parties during the hearing led to a resolution of the dispute. Specifically, as settlement of all aspects of the dispute for both parties it was agreed as follows:

- that the landlord will waive any claim for unpaid rent / loss of rental income;
- that the tenants will pay \$680.24 or 60% of the cost for carpet replacement;
- that the tenants will pay the entire amount of other costs as set out below:
  - o \$200.00 cleaning
  - o \$250.00 garbage removal
  - o \$15.00 disposal fee
  - o \$291.20 painting
  - o \$176.94 2 doors
  - o \$300.39 bathroom countertop

I find that the landlord is also entitled to recovery of the \$50.00 filing fee.

Pursuant to all of the above, I find that the landlord has established a claim of \$1,963.77. I order that the landlord retain the security deposit of \$420.00 plus interest of \$00.08, and I grant the landlord a monetary order under section 67 of the Act for the balance due of **\$1,543.69** (\$1,963.77 - \$420.08)

## **Conclusion**

I hereby grant the landlord a monetary order under section 67 of the Act for **\$1,543.69**. This order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: May 5, 2009

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Dispute Resolution Officer