



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPL, MND, MNDC, FF

### Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for a monetary order for \$2135.55.

The applicant had originally request an Order of Possession as well, however the tenants have since vacated the rental unit and the landlord has possession.

### Background and Evidence

The applicant testified that:

- The tenants did not pay the \$959.00 rent for June 2009 and vacated on June 11, 2009.
- The tenants also left the propane tank empty when they vacated and the landlord will have to have it refilled at a cost of \$307.00.

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- The tenants also left an extensive amount of garbage behind when they vacated and as a result the landlord will have to pay the \$140.00 cost of a bin to remove the garbage and a \$200.00 dump fee for a total of \$340.00.
- The tenants also left the rental unit in need of extensive cleaning and repairs and as a result the landlord will lose at least two weeks rent in the month of July 2009 for a total of \$479.50. The landlord is therefore asking for an order as follows:

June 2009 rent	\$959.00
Garbage removal	\$340.00
Lost rental revenue for July 2009	\$479.50
Filing fee	\$50.00
Total	\$2135.50

The respondents testified that:

- They were unable to finish cleaning in the rental unit because the landlord had the power turned off.
- They know the propane tank was left empty and had planned to have it refilled when they had the money to do so.
- They had also planned to come back and remove the garbage but have not done so because they felt they should clean the inside of the house first and have not been able to do so, since the power had been turned off.

In response to the tenant's statements the landlord stated that:

- The power was never turned off to the rental unit; the account was simply transferred into landlord's name.
- On June 12, 2009 the tenants left him a note stating they would be back on June 16, 2009, to remove their belongings from the shed and from the front and back

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yards however the landlord waited for the tenants on the date and time specified by the tenants never showed up and have made no other arrangements to remove their belongings.

## Analysis

It is my decision that I will allow the full amount of lost rent claimed by the landlords. The tenants did not pay June rent and did not vacate until mid-June leaving an extreme amount of garbage behind and as a result I find it very unlikely that the landlord will be able to re-rent the unit before mid-July 2009.

I also allow the landlords full claim for propane. The tenant admitted that they left the propane tank empty and I accept the landlords claim that the cost to refill will be \$307.00.

I also allow the landlords full claim for the garbage bin and garbage removal. It is very obvious from the photo evidence presented that the tenants left an extensive amount of garbage behind and as a result the landlord will have to have all that garbage removed.

I do not accept the tenants claim that they were unable to complete their cleanup and removal of garbage due to the power being cut off. The tenants have had plenty of time since they vacated to return and complete the removal of the garbage and they have failed to do so.

## Conclusion



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I have issued an order for the respondents to pay \$2135.50 to the applicant.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 25, 2009.

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Dispute Resolution Officer

(Note: this decision was produced with the use of voice recognition software)