

# Dispute Resolution Services

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

## Decision

Dispute Codes: MND, MNSD, MNDC, FF

## Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the Notice of Hearing and Application for Dispute Resolution by registered mail on April 17, the tenant did not participate in the conference call hearing. I accepted testimony of the landlord's agent regarding service of the hearing documents and I noted that the tenant had submitted documentary evidence to the file and the hearing proceeded in her absence.

## Issue(s) to be Decided

Is the landlord entitled to a monetary order as claimed?

## Background and Evidence

The tenancy began on October 1, 2008 and ended on March 31, 2009. The tenancy was set to run for a fixed term of one year, expiring on September 30, 2009. At the end of the tenancy the tenant signed a document in which she agreed that \$300.00 in liquidated damages and \$25.00 for cleaning costs could be deducted from her \$447.50 damage deposit. The landlord seeks an order permitting it to deduct liquidated damages and cleaning costs in the aforementioned amounts from the deposit.

The landlord's agent testified that the tenant had 3 dogs and 1 cat in the rental unit. The tenant did not clean the carpets at the end of the tenancy. The landlord's agent testified that the tenant's pets had urinated on the carpets and that the carpet in the living room was saturated with urine. The landlord provided evidence showing that \$168.00 was paid for carpet cleaning. The landlord's agent further testified that even after having cleaned the carpets, the odour of urine was overpowering in the living room and the carpets had to be replaced at a cost of \$831.60. The landlord entered into

evidence an invoice showing the cost of the carpet replacement. The landlord's agent testified that the carpets were approximately 2 years old.

The landlord's agent testified that the drapes were not cleaned at the end of the tenancy and that cat hair was found on the drapes upstairs. The agent further testified that the drapes downstairs had been urinated upon. The landlord submitted an invoice showing that \$30.00 was paid for cleaning the drapes.

### Analysis

As the tenant agreed in writing to deductions for \$300.00 liquidated damages and \$25.00 for cleaning, I award the landlord those amounts.

I find that the tenant failed to clean the carpets and find that the landlord is entitled to recover the cost of carpet cleaning. I award the landlord \$168.00.

I find that the living room carpet had to be replaced as a result of the damage done by the tenant's pets. Carpets have a useful life of 10 years and I find that the tenant deprived the landlord of 8 years of the living room carpet's life. I find that the landlord is entitled to recover 80% or \$665.28 as the cost of replacing the carpet and I award the landlord that sum.

I find that the tenant failed to clean the drapes at the end of the tenancy and that the drapes required cleaning. I find that the landlord is entitled to recover the \$30.00 spent cleaning drapes and I award the landlord that sum.

I find that the landlord is entitled to recover the \$50.00 paid to bring this application and I award the landlord \$50.00.

In summary, the landlord has been successful in the following claims:

Carpet cleaning	\$ 168.00
Drape cleaning	\$ 30.00
Cleaning	\$ 25.00
Carpet replacement	\$ 665.28
Liquidated damages	\$ 300.00
Filing fee	\$ 50.00
<b>Total:</b>	<b>\$1,238.28</b>

I order that the landlord retain the deposit and interest of \$449.30 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$788.98. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$788.98.

Dated July 16, 2009.

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