



Dispute Resolution Services

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

Decision

Dispute Codes: MNDC, MND, FF

Introduction

This hearing dealt with an application from the landlords for a monetary order as compensation for loss of rental income, costs associated with cleaning and repairs to damage in the unit, and recovery of the filing fee. The agent for the landlords participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

A previous decision and a monetary order were issued in regard to this same tenancy on March 19, 2008.

Issue to be decided

- Whether the landlord is entitled to a monetary order under the Act, including recovery of the filing fee

Background and Evidence

There was no copy of a written residential tenancy agreement in evidence, however, the landlords' agent testified that the tenancy began on October 1, 2007 and ended on February 28, 2008. Rent in the amount of \$600.00 was payable on the first day of the month. A security deposit of \$300.00 was collected on or about October 1, 2007, however, there is no application before me from the landlord for retention of the security deposit in partial satisfaction of the claim.

Evidence submitted by the landlords' agent included photographs taken of the interior of the unit after the end of tenancy, and receipts in support of expenses claimed for costs incurred in association with materials and labour for cleaning and repairs.

The landlords' agent testified that following completion of the cleaning and repairs, the unit was re-rented effective May 1, 2008.

Analysis

Based on the documentary evidence and undisputed testimony of the landlords' agent, I find that the landlords have established a claim of \$1,554.16. This is comprised as follows:

\$300.00 – loss of rental income for the period March 16 – 31, 2008

\$600.00 – loss of rental income for April 2008

\$604.16 – cleaning, miscellaneous materials & repairs

\$ 50.00 – filing fee for this application

Total: \$1,554.16

In the absence of a receipt in evidence, the landlord's separate claim for the cost of \$80.04 to repair a broken window is dismissed.

Included in the landlord's claim are costs for the purchase and installation of new carpet throughout the unit in the total amount of \$1,640.00. Related to this, Residential Tenancy Policy Guideline # 37 speaks to the "Useful Life of Work Done or Thing Purchased." The useful life in years for carpet is identified as 10 years. The landlord's agent testified that her understanding is that the carpets in the subject unit are approximately 10 years old. Accordingly, I dismiss the landlord's claim for all costs associated with the purchase and installation of new carpet. The carpet related costs of \$1,640.00 have therefore been deducted from the overall claim of \$2,244.16, leaving a balance of entitlement to \$604.16, as shown in the above list.

The full text of the legislation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlords in the amount of **\$1,554.16**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: July 10, 2009

Dispute Resolution Officer