

## **DECISION**

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

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit and the applicable accrued interest.

On November 8, 2008, the landlord collected a security deposit from the tenants in the amount of \$375.00. The tenancy began on December 1, 2008. Rent in the amount of \$1015.00 was payable in advance on the first day of each month. The tenants failed to pay rent in the months of December of 2008, January, February, March and April of 2009 and on April 8, the landlord served the tenants with a notice to end tenancy for non-payment of rent. On April 25, 2009, the tenants moved out of the unit.

The landlord is seeking to recover from the tenants outstanding rent from December 2008 to April 2009 in the amount of \$1875.00. Based on the landlord's testimony, the rent ledger submitted for the hearing and the notice to end tenancy for unpaid rent, I find that the landlord has established a claim of \$1875.00 as outstanding rent.

The landlord is also seeking to recover the following costs incurred in addressing the damages.

### **Garbage Removal**

The landlord said that he had to remove two pick up loads of garbage from the unit. To support his claim, he submitted several photos showing substantial amount of garbage left both inside and outside of the unit. The landlord also submitted 2 receipts from the landfill that total to \$22.00. Based on the above, I find that the landlord has proven that the tenant had left a substantial amount of garbage that needed to be removed. I also find the landlord to have proven the cost of such removal. Accordingly, I allow a claim of \$22.00.

### Repairing Walls

The landlord said that the tenants had damaged the walls by punching and kicking in large holes on the walls throughout the unit. To support his claim, the landlord submitted several photos showing large holes in the family room, living room and hallway walls. Based on the above, I find the landlord to have proven that the tenants had caused damages to the walls. The landlord is seeking to recover \$200.00 as cost for repairing the walls and submitted a receipt dated April 25, 2009 for this amount. Based on the above, I find the landlord to have proven the cost of repairing the walls and I allow a claim of \$200.00.

### Cleaning

The landlord said that the unit required extensive cleaning. To support his claim, he submitted several photos showing the unit to be very dirty and soiled. The landlord also said that the cleaning person had to wash and scrub everything in the 1800 square feet unit. The landlord added that the cleaning person had to clean up dog feces in the basement. Based on the above, I find the landlord to have proven that the unit needed extensive cleaning. The landlord is seeking to recover \$310.00 as cost of cleaning and submitted a receipt dated April 25, 2009 for this amount. He explained that the cleaning person spent 31 hours cleaning the unit at an hourly rate of \$10.00 an hour. I find no details in the receipt regarding number of hours worked or the hourly rate. As well, no explanation was provided as to why the receipt was dated April 25, 2009 (the day the tenants moved out) when the cleaning took more than a day to complete. Accordingly, I have given little weight to the receipt. However, based on the size of the unit and its condition as described above, I find reasonable to allow \$250.00 as cleaning cost.

### Conclusion

Based on the above, I find that the landlord has established a total claim of \$ 2347.00 comprised of \$1875.00 in outstanding rent and \$472.00 as costs incurred in addressing the damages. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the security deposit and interest of \$375.83 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2021.17. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 11, 2009.