



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF, MND, MNDC, MNSD

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.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$15,327.29. The applicants are also requesting an order that the respondent bear the \$100.00 cost of the filing fee paid for this Dispute Resolution hearing.

Background and Evidence

The applicants are claiming that the respondents left the rental unit in an extremely dirty and damaged condition and the cost to clean the rental unit combined with the estimated cost to repair the damages totals \$15,327.29 and although they did not do the repairs prior to the sale of the property it is their claim that, due to the poor condition, they received substantially less money from the sale of the property, than they would have if the property had been in good condition.

The landlords admit that no move out inspection was done with the tenants; however they're now claiming that there was a move in inspection and have supplied a photo copy of a move in inspection report.

The respondents dispute all the landlords claims and testified that they left the rental unit in as clean condition as it was when they moved in and that there never was a move in inspection report done and testified that in fact the landlord stated in a previous hearing that no move in inspection had been done.

The respondents further claim that the move in inspection report supplied by the landlord has been altered to add their signatures, and pointed out that the signature line underneath their two signatures is not clear and straight like all the other lines of the document, but steps up and down in is wobbly in some sections. It is their contention that this document has been forged.

Analysis

In this case it is my decision that I find in favour of the tenants. After closely inspecting the move in inspection documents supplied by the landlords it is my belief that the tenants are correct and that the document has been altered. I asked the landlords at the hearing if they could mail the original to me however they claim they do not have a copy of the original only a photocopy. In the absence of any original signed document I am not convinced that the tenants ever signed a move in inspection report.

I also read the decision of the previous Dispute Resolution Officer and at the top of page 5 of that decision the Dispute Resolution Officer states "During the hearing the parties agreed that move-in and move-out condition inspections were not completed".



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Therefore having found, on the balance of probabilities, that the move in inspection report has been altered to add the tenants signatures and that the landlords had a previously admitted that there was no move in inspection report; I find this full claim to be suspect and I prefer the testimony of the tenants in this matter.

Conclusion

This claim is dismissed in full without leave to reapply

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: September 21, 2009.

Dispute Resolution Officer