

DECISION

Dispute Codes MNSD, MND, FF

This hearing dealt with an Application for Dispute Resolution by the Landlord for a monetary order for compensation under the Act and the tenancy agreement, and an order to retain the security deposit in partial satisfaction of the claim.

I find the Tenant was duly served with the Application for Dispute Resolution and Notice of Hearing by registered mail, sent on June 18, 2009, and deemed under the Act to be received five days later. Despite this the Tenant did not appear at the hearing.

Issue(s) to be Decided

Is the Landlord entitled to monetary compensation from the Tenant?

Background and Evidence

Affirmed testimony and evidence was provided by the Agent for the Landlord, in support of this claim.

The Tenant paid the Landlord a security deposit of \$525.00 and a pet damage deposit of \$200.00, on September 1, 2008.

The Tenant vacated the property, however, the Landlord has incurred substantial costs to clean and repair the rental unit due to the condition it was left in by the Tenant.

In particular the Landlord claims for cleaning the carpet, removal and replacement of carpet due to urine stains caused by the Tenant's pet, re-painting some areas of the unit, and the cleaning of the entire suite, including sinks, bathroom, kitchen, major appliances, windows and mirrors.

Therefore, the Landlord claims as follows:

| | | |
|----|--|-----------------|
| a. | Carpet cleaning | 114.45 |
| c. | Removal of old and replace underlay and carpet | 492.50 |
| d. | Cleaning of unit | 225.00 |
| e. | Filing fee | 50.00 |
| | Total claimed | \$985.10 |

Analysis

Section 67 of the Residential Tenancy Act states:

Without limiting the general authority in section 62(3) [*director's authority*], if damage or loss results from a party not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party.

Based on the testimony, evidence, photographs and a balance of probabilities, I find that the Landlord has established claims for the items described above.

I find the Tenant did not clean the unit, or make necessary repairs, and her pet caused damages to the Landlord's carpets. This has caused losses to the Landlord compensable by the Tenant.

I find that the Landlord has established a total monetary claim of **\$985.10** comprised of the above described amounts.

I order that the Landlord may keep the deposits and interest of **\$728.62** in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of **\$256.48**

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

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: October 07, 2009.

Dispute Resolution Officer