



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF, MND, MNDC, MNR, MNSD

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on September 11th 2009 but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$4686.54; the applicant is also requesting that the respondent bear the \$50.00 cost of the filing fee that was paid for this hearing.

Background and Evidence

The applicant testified that:

- The tenants failed to pay January rent in the amount of \$1400.00 and vacated without proper notice, around January 25, 2009.
- The tenants also failed to pay utilities for the months of December 2008 and January 2009 totalling \$511.94.

- The tenants left substantial damage to the rental unit including numerous holes in the walls and as a result the holes had to be filled and the house repainted, and he's therefore asking for \$600.00 to cover the costs of materials and his labour to do the repairs and painting.
- The tenants left the house in extremely dirty condition and he had to pay \$250.00 to have a house cleaned.
- The tenants left an extensive amount of garbage behind and he had to pay \$369.60 to have the garbage removed and taken to the dump.
- The tenants also remove the showerhead and he is asking for \$45.00 to replace the showerhead.
- He was also unable to re-rent the unit on such short notice, and with so much cleanup and repairs to be done, and therefore he also lost the full February 2009 rent of \$1400.00.
- It cost \$60.00 to develop photos for evidence for today's hearing.
- He paid a \$50.00 filing fee for today's hearing.

The applicant is therefore requesting an order totalling \$4686.54. The applicant further requests that he be allowed to keep the full security deposit plus interest towards this claim and that a monetary order is issued for the difference.

Analysis

It is my decision that the landlord has shown that the tenant left the rental unit in very poor condition, with a substantial amount of damage and in need of substantial cleaning and garbage removal.



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The landlord has also shown that the tenants left outstanding rent and utilities and failed to give the proper Notice to End Tenancy which resulted in loss of rent for the month of February 2009.

I therefore allow the majority of the landlords claim, only deducting the following.

I will not allow the claim for the pictures taken for photo evidence as this is a cost of the dispute resolution process and I do not have the authority to order costs, other than the filing fee which I will allow.

I will also not allow the full amount claimed for the showerhead as the landlord has supplied no evidence of the cost of that showerhead. I therefore allow one third of the amount---\$15.00.

Conclusion

I have allowed \$4596.54 of the claim. I therefore order that the landlord may retain the full security deposit plus interest:

\$612.06

I further Order that the Respondent(s) pay to the applicant the following amount:

\$3984.48

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 21, 2009.

Dispute Resolution Officer