

## **DECISION**

**Dispute Codes:** MND and FF

### **Introduction**

This application was brought by the landlord seeking a Monetary Order for damage to the rental unit and recovery of the filing fee for this proceeding.

### **Issues to be Decided**

This application requires a decision on whether the landlord has proven that the damages exist, that they were caused by the tenant and that the amounts claimed are fair and accurate.

### **Background and Evidence**

This tenancy began on July 1, 2007 and ended on July 31, 2009. Rent was \$930 per month and the landlords held a security deposit of \$425, of which \$150 was retained by the landlord for cleaning and the balance was returned to the tenants.

In the present matter, the landlord has submitted a number of photographs in support of the claim for \$780 for replacement of missing slats to the blinds, \$450 for damage to the furniture and \$350 for damage to the walls. Pictures show a piece of fabric missing from a couch, a set of vertical blinds, a bare spot where the paint appears to have peeled off the wall, once chair from which a piece of the back appears to have come loose and another chair with a tear in the upholstery.

The landlord has not yet done the repair/replacements and, therefore, has submitted no receipts. The landlord stated that the work was not done and the application was not brought unit nearly four months after the tenancy ended due to a heavy travelling schedule.

The tenant stated that all photographs submitted show the rental and furnishings exactly as they were at the beginning of the tenancy.

The parties did not do move-in or move-out condition inspection reports and the tenant stated that she had obtain the key from the previous tenant and the landlord was not present at the commencement of the tenancy.

## **Analysis**

As with any claim for damages, the burden of proof lies with the applicant to show that the damage exists, that it was caused by the tenant and that the amount claimed represents fair and accurate compensation for the clamed damage.

In this matter, I have some photographic evidence of damage, but I do not find sufficient evidence that the damage was caused by the tenant and I find no substantiation of the costs of remediation.

**Conclusion**

Therefore, the application is dismissed without leave to reapply and the applicant remains responsible for her own filing fee.

March 30, 2010