

DECISION

Dispute Codes MNR, MNSD, ERP, RR, OPC, MN

Introduction

This hearing was convened upon applications filed by both the tenants and the landlords. While the landlord appeared at the hearing, the tenants did not appear to give evidence to support their claims and their application is therefore dismissed without leave to reapply.

The hearing continued with respect to the landlord's applications. The landlord seeks:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55;
3. An Order to retain the security and/or pet deposit pursuant to Section 38; and
4. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenants were properly served with the Notice to End Tenancy and the Application for Dispute Resolution hearing package.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for damages, unpaid rent and recovery of the filing fee.

Background and Findings

Order of Possession

The landlord says the tenants have now vacated the rental unit and an Order of Possession is no longer required.

Monetary Order

Rental Arrears

I find that the landlord has met the burden of proving that there are rental arrears in the sum of \$1,100.00. I find the landlord is entitled to recovery of those arrears.

Damages

The landlord testified that this tenancy began on November 17, 2009 and ended sometime in March 2010 when the tenants vacated the rental unit without paying rent for March. The landlord testified that the tenants caused extraordinary damage to the rental unit and this was the reason he sought to end the tenancy. The landlord produced a Condition Inspection report signed by the tenants at the beginning of the tenancy setting out that the rental unit was in good condition when the tenancy began however the tenants left the rental unit "...completely trashed".

The landlord provided pictures of the rental unit and testified as to its condition. The landlord says there are holes in the rental unit ceiling and walls, the trim has been removed from the doors and walls, the kitchen cupboards are missing, electrical switch plates are broken, windows are broken, the screen door is broken, the shower curtain rod is bent and the linoleum and carpeting have been removed. In addition the landlord says the tenants vacated the rental unit without the landlord's knowledge leaving behind 7 dogs: one female with 6 puppies. The landlord testified that he does not know how long the dogs have been left alone in the rental unit but there is excessive urine and feces throughout. Further, the tenants left behind a large amount of garbage. The landlord testified that the estimate for repairs, cleaning the house and hauling the

garbage away is \$8,919.75. The landlord therefore seeks a monetary order for that sum.

Based on the evidence supplied by the landlord and in the absence of any evidence from the tenants, I accept the landlord's testimony, photographs and repair estimate and I will award the landlord a monetary order for the sum claimed.

Security and Pet Deposits

I find further that the landlord is entitled to retain the security deposit and interest to the date of this decision in partial satisfaction of the rental arrears.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Rental Arrears	\$1,100.00
Repairs	8,919.75
Filing Fees for the cost of this application	100.00
Less Security and Pet Deposits paid November 17, 2009 (no interest accruing)	-1,000.00
Total Monetary Award	\$9,119.75

Conclusion

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.