



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

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 April 30, 2010 to the tenant's present address, 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 \$1575.00 and a request that the respondent bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution. The applicant is also requesting that he be allowed to keep the full security deposit plus interest towards this claim.

Background and Evidence

The applicant testified that:

- The tenant's cat completely destroyed the carpets in the rental unit, scratching right through the carpet on the stairs, and staining the carpet throughout with urine.

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- He had a professional come in an attempt to repair the carpet at a cost of \$315.00, however he was unable to do so and in the end the full carpet had to be replaced.
- The tenant was given a new stove during the tenancy and at the end of the tenancy it was found to be badly damaged and as a result the stove was replaced.
- The tenant also failed to give the proper Notice to End Tenancy. Notice was given on March 17, 2010 and she vacated on March 30, 2010 and as a result he lost the full rental revenue for the month of April 2010.
- The tenant also failed to remove some of her belongings from the rental unit and to date they are still there.

The applicant is therefore requesting an order as follows:

Attempted carpet repair	\$315.00
Lost rental revenue for April 2010	\$885.00
Filing fee	\$50.00
Total	\$1625.00

The applicant also stated that he would like to be paid \$29.50 per day for storing the tenant's items.

Analysis

It is my decision that I will allow the full 1625.00 claimed by the tenant.

The landlord has supplied ample evidence to show that the carpets in this rental unit were damaged beyond repair and therefore the amount of \$315.00 for an attempted repair is very reasonable, especially since the carpets ended up having to be replaced.



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The landlord has also supplied evidence to show that a new stove was supplied to the tenant during the tenancy and therefore it is my decision that the tenant is liable for the cost of replacing the stove that she damaged.

The tenant also failed to give the full one clear month Notice to End Tenancy and therefore she is liable for the lost revenue for the month of April 2010.

I will not order any per diem amount because the maximum amount claimed on the application was \$1575.00 and I cannot go above that amount except to add on the \$50.00 filing fee, which I will allow

Conclusion

I have allowed the landlords full claim of \$1625.00. I therefore order that the landlord may retain the full security deposit plus interest:

\$385.69

I further Order that the Respondent pay to the Applicant the following amount:

\$1239.31

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 10, 2010.

Dispute Resolution Officer