



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes FF, DC, MNSD, O

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 respondents were served with notice of the hearing by registered mail that was mailed on September 24, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$4995.35 and a request to retain both the security deposit and a pet deposit. The applicant is also requesting that the respondent bear the \$50.00 cost of the filing fee.

Background and Evidence

The applicants testified that:

- These tenants left his rental unit in an extremely dirty and damaged condition at the end of the tenancy.
- The tenant had allowed their pet rabbit and guinea pig to roam freely throughout the rental unit defecating and urinating at will.

- There was still a substantial amount of pet feces on all the carpets and floors.
- They had to do extensive cleaning throughout the rental unit and although they had the carpets cleaned and treated twice with a special antibacterial pet odour treatment, the stains would not come out nor would the smell and as a result they had to be replaced.
- The tenant's friend had done unauthorized work on the garbage disposal and as a result it was damaged and full to the brim of rotting mouldy food.
- The cupboards and fridge were still loaded with junk and half rotten food.
- There was dirt, hair, matches, cigarette butts, and discarded soiled tissues piled everywhere.
- They were unable to re-rent the rental unit right away and therefore also lost a substantial amount of rental income.

The applicants are therefore requesting a claim as follows:

Cleaning service	\$180.00
Plumbing materials	\$52.13
Carpet cleaning and odour treatment	\$203.84
Painting	\$240.00
Carpet replacement	\$3024.54
Kitchen counter damage	\$857.47
Blinded cleaning	\$167.28
Patio cleaning	\$75.00
Febreze spray to get rid of odour	\$24.09
Vinegar to trap fruit flies under sink	\$3.21
Replace decking material under sink	\$15.00
Lost rental revenue September 1-13	\$647.79
Filing fee	\$50.00
Total	\$5640.35

The applicants are therefore requesting an order allowing them to keep the full security/pet deposit totalling \$1495.00 towards this claim, and that a monetary order be issued for the difference.

The applicants withdraw their claim for the \$200.00 Strata fine, because it appears to have been withdrawn.

Analysis

It is my finding that the applicants have shown that the tenants left this rental unit in a deplorable condition that required an extensive amount of cleaning and repairs.

The landlords have provided ample evidence to show the condition in which the unit was left, and to show the costs related to the repairs and cleaning.

It's obvious from the photo evidence supplied that these tenants showed a total disregard for the landlord's property allowing their pets to defecate and urinate throughout the rental unit.

I therefore allow the majority of the landlords claim. The only reduction I have made is to the amount I allow for the replacement of the carpets. Awards for damages are intended to be restorative, meaning the award should place the applicant in the same financial position had the damage not occurred. Where an item has a limited useful life, it is necessary to reduce the replacement cost by the depreciation of the original item.

These carpets were four years old and since carpets have a life expectancy of approximately 10 years I have reduced the amount allowed for carpet replacement by 40% (\$1209.82) for normal depreciation.



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Conclusion

I have allowed \$4430.53 of the applicants claim. The applicants may therefore retain the full security/pet deposit of \$1495.00 and I have issued a monetary order in favour of the landlords in the amount of \$2935.53

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: January 04, 2011.

Residential Tenancy Branch