



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for damage to the unit, compensation for damage or loss and recovery of the filing fee. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began October, 2008 with monthly rent of \$2400.00; the tenants paid a security deposit of \$1200.00.

The landlord testified that upon vacating the rental unit the landlord found the unit to be in need of repair as the walls were damaged, the floor severely scratched, door frames and doors damaged, kitchen cabinets damaged and that the tenant had cut a large hole into the bathroom ceiling. The landlord stated that the rental unit has been completely remodelled prior to the tenants moving in and that the tenants left the unit in a state of great disrepair.

The landlord is not seeking to retain the security deposit in this application as it has been ruled on in a prior hearing. The landlord in this application is seeking a monetary order in the amount of \$2331.00 for the cost of repairs to the rental unit.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for damages.

I find that the landlord has established a claim for \$2331.00 in damage to the rental unit.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$2331.00 in damage to the rental unit. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order for **\$2381.00**

A monetary order in the amount of **\$2381.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: March 22, 2011.

Residential Tenancy Branch