



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNDC, MNSD, FFM

### 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 March 11, 2011 to the forwarding address that was given to the landlord by the tenant, 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 in the amount of \$3033.25 and a request for recovery of the \$50.00 filing fee.

### Background and Evidence

The applicant testified that:

- The tenant moved into the rental unit on November 1, 2010 and signed a fixed term tenancy agreement with an expiry date of April 30, 2011.
- The tenant vacated the rental unit prior to the end of the fixed term, on March 3, 2011.

- The tenant left the rental unit in an extremely dirty condition and as a result he had to have the unit cleaned.
- The tenant destroyed the front lock assembly on the door to the rental unit by drilling it out and as a result he had to have the lock assembly replaced.
- He took photo evidence of the damages to the rental unit and as a result had to pay for development of those photos.
- The tenant left numerous light bulbs burned out in the rental unit and they had to be replaced.
- The tenant caused extensive damages in the rental unit, every single wall in the unit was damaged and as a result he had to have the unit repaired prior to re-renting.
- He was unable to re-rent the unit in the month of March 2011 and therefore lost the full rental revenue for that month.
- He was able to complete the repairs and re-rent the unit for April 1, 2011 and therefore he is withdrawing the claim for lost rental revenue for April 2011.
- The tenant failed to pay her share of the utilities and as a result the landlord has had to pay her portion of the utilities.

The applicant is therefore requesting an order as follows:

Cleaning costs	\$60.00
Cost of photo evidence	\$42.13
Replace lightbulbs	\$7.82
Repaired damages in rental unit	\$785.00
Lost rental revenue for March 2011	\$950.00
Outstanding utilities	\$126.48
Filing fee	\$50.00
Total	\$2113.25

The applicant therefore requests an order allowing him to keep the full security deposit towards the claim and that a monetary order be issued for the balance.

### Analysis

It is my decision that I will allow the majority of the landlords claim.

The tenant breached the fixed term tenancy agreement and as a result the landlord lost some rental revenue.

The tenant left the rental unit in poor condition and as a result the landlord had extensive cleaning and repair costs.

The tenant also failed to pay her portion of the utilities and as a result the landlord has had to bear that cost.

I will not allow the cost of developing pictures however as that is considered a cost of the dispute resolution process and I have no authority to award costs other than the filing fee which I will allow.

Therefore the total amount but I have allowed is as follows:

Cleaning costs	\$60.00
Light bulbs	\$7.82
Repair extensive damages	\$785.00
Lost rental revenue for March 2011	\$950.00
Outstanding utilities	\$126.40
Filing fee	\$50.00
Total	\$2071.04

### Conclusion

I have allowed \$2071.04 of the landlords claim and therefore the landlord may retain the full security deposit of \$475.00 and I have issued a monetary order in the amount of \$1596.04.

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: June 21, 2011.

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Residential Tenancy Branch