



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, MNSD, MNDC, FF, SS

Introduction

This hearing was convened in response to an application for dispute resolution being filed by the landlord seeking:

1. A monetary Order for damage and compensation for loss;
2. An Order allowing the landlord to retain the security deposit;
3. An Order to recover the filing fee; and
4. An Order allowing the landlord to serve documents or evidence in a manner differed that required by the Act.

The landlord gave evidence that she no longer requires an order allowing her to serve documents by a substituted means as she was able to locate the tenant at his current address where she served him with the Application for Dispute Resolution by way of registered mail sent December 21, 2010. The application for substituted service is therefore withdrawn.

The tenant did not appear at the hearing. I accept the landlord's evidence regarding service as set out above and I am satisfied that the tenant has had full notice of the claims being made against him.

The landlord gave evidence under oath.

Issue(s) to be Decided

Is the landlord entitled to the Orders sought?

Background and Evidence

The landlord purchased the rental unit with this tenancy in place. At the time this tenancy began the previous owners prepared a move-in condition inspection report indicating that the rental unit was in very good condition. The landlord says the tenant

vacated the rental unit giving less than a month's notice and giving his notice verbally rather than in writing as required under the Act. The landlord testified that the tenant worked in the local mine and when he vacated the rental unit he left extensive damage in the rental unit. The landlord says the carpets, which were only 3 years old at the start of this tenancy in November 2009, were severely damaged by oil or grease and what appeared to be red wine. The stains could not be removed and the carpets in the main living area had to be replaced. The landlord undertook carpet shampooing in the two bedrooms which was successful. There was a burn hole in the kitchen countertop and the rental unit was "filthy". The tenant left debris behind that needed to be taken to the dump. The tenant did not return the rental unit keys and the landlord was forced to have the locks changed in the rental unit and pay for new keys to the building and mailbox which were also not returned. A wardrobe rod was missing and a blind track required replacement. The landlord produced photographs of the rental unit along with invoices for payments made to repair and clean the rental unit. The landlord claims the following:

Carpet replacement	\$2,484.64
Carpet cleaning for 2 bedrooms	120.00
18 hours of cleaning at \$20.00 per hour	360.00
Trip to dump	20.00
Suite lock changed	50.00
New building and mail box keys	60.00
Miscellaneous cleaning materials	20.00
Replace missing wardrobe rod	30.00
Counter burn hole repair	100.00
Blind track replacement	65.00
Total	\$3,309.64

The landlord says she is not making a claim for loss of rental income for the notice period because she was able to re-rent the rental unit.

Analysis

Based on the undisputed evidence of the landlord I find that she has proven her claims in their entirety and I will allow her claims. Having allowed her claims I will allow her to retain the security deposit in partial satisfaction of her claims and I will allow her to recover the \$50.00 filing fee she has had to pay for this application.

Calculation of Monetary Award in favour of the landlord:

Total claimed as detailed above	\$3,309.64
Less security deposit (no interest accrued)	-350.00
Plus the filing fee	50.00
Total Monetary Award in favour of the Landlord	\$3,009.64

Conclusion

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.