



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

**Dispute Codes:** MNR, MND, MNSD, FF

### Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent / compensation for damage to the unit / retention of the security deposit / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

At the outset of the hearing, the parties consented to an amendment to the landlord's original application to reflect the addition of an application to retain the security deposit.

### Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began in May 2000. A security deposit of \$200.00 was collected on May 25, 2000, and at the time tenancy ended in 2010, monthly rent was \$525.00.

The landlord issued a 1 month notice to end tenancy for cause dated July 17, 2010. The date shown on the notice by when the tenant must vacate the unit is August 31, 2010. However, following her receipt of the notice, the tenant vacated the unit on August 4, 2010 without notice to the landlord.

There is no evidence of either a move-in or move-out condition inspection report.

The landlord's claim concerns recovery of the following costs:

\$525.00: unpaid rent for August 2010

\$98.00: total of 4 separate fees for garbage disposal

\$40.00: cost of gas used by landlord for disposing of rubbish

\$1,058.96: 25% of total cost for new carpet and underlay

\$50.00: filing fee

The landlord testified that the carpet and underlay were installed in 1998, and had to be replaced after the end of this tenancy, mainly as a result of urine smells which were unable to be removed.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve at least a partial resolution.

### **Analysis**

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca/](http://www.rto.gov.bc.ca/)

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a partial resolution. Specifically, it was agreed as follows:

- that the tenant accepts full responsibility for the following costs:

\$525.00: unpaid rent for August 2010

\$98.00: total of 4 separate fees for disposing of rubbish

\$40.00: cost of gas used by landlord for disposing of rubbish

Sub-total: \$663.00

Residential Tenancy Policy Guideline # 37 speaks to the “useful life of work done or thing purchased.” As to carpet, the estimated useful life is 10 years. As previously noted, the carpet was installed 2 years prior to the start of this tenancy. At the end of tenancy the age of the carpet was therefore approximately 12 years. In the result, I find that as the carpet had outlived its useful life by the end of the tenancy, the landlord’s application for recovery of costs associated with its replacement is hereby dismissed.

As the landlord has succeeded overall with her application, I find that she has established entitlement to recovery of the full \$50.00 filing fee.

In sum, I find that the landlord has established a claim of \$713.00 (\$663.00 + \$50.00), as set out above. I order that the landlord retain the security deposit of \$200.00, plus interest of \$15.89 [total: \$215.89] and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$497.11 (\$713.00 – \$215.89).

The parties undertook to be in contact with each other outside the hearing in order to make any arrangements necessary concerning a schedule of payment(s) by the tenant to the landlord.

### **Conclusion**

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$497.11**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court 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*.

DATE: June 6, 2011

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Residential Tenancy Branch