



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPR, OPB, CNR, MND, MNDC, MT, FF*

Introduction.

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent, cost of cleaning and repairs, utilities and the filing fee. The tenant applied for an order to cancel the notice to end tenancy and for more time to make this application.

The tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

On July 06, 2011, both parties attended a hearing to address the landlord's application for an early end to tenancy and for an order of possession. During the hearing the parties agreed that the tenant had moved out on July 01, 2011 and that the unit was now vacant.

Therefore, since the tenant did not attend the hearing his application is dismissed without leave to reapply. Since the tenant has moved out, the landlord's application for an order of possession is moot and therefore this hearing only dealt with the landlord's application for a monetary order.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent, utilities, cost of repairs, lawyers' fees and the filing fee?

Background and Evidence

The landlord and tenants entered into a tenancy agreement on June 15, 2011. The monthly rent was \$1,450.00 due on the first of the month. The tenant paid a security deposit of \$725.00.

The tenant shared the unit with two of his family members. His share of the rent was \$500.00. When the family members moved out, the tenant sublet to various sub

tenants without the consent of the landlord. In addition the tenant collected security deposits from the sub tenants which he failed to return.

The tenant moved out and left the unit in a messy condition. He had a dog that caused damage to the walls and doors of the home. Dog hair and faeces were scattered all over the home and the yard. The rental unit was infested with fleas and bed bugs and the landlord hired a professional pest control company to treat the unit. The tenant removed the smoke alarms. At the time of the hearing the tenant's portion of the rental unit was vacant while it was being cleaned, painted and repaired to restore it to a condition that it could be re-rented. The other portions of the rental unit were rented.

The landlord has filed photographs and receipts to support his claim for the following:

1.	Loss of income for July	\$500.00
2.	Unpaid utilities	\$18.64
3.	Cleaning	\$125.00
4.	Pest control	\$224.00
5.	Lawyer's fees	\$279.07
6.	Replace smoke alarms	\$31.35
7.	Painting and repair	\$500.00
8.	Filing fee	\$50.00
	Total	\$1,728.06

Analysis

Based on the undisputed sworn testimony of the landlord, I accept his evidence in respect of the claim.

In the absence of evidence to the contrary, I find that the landlord has established a claim of \$500.00.00 for loss of income for July and \$18.64 for unpaid utilities. The landlord has filed photographs that depict the damage done to the unit by the dog and the mess left behind by the tenant. I find that the landlord is entitled to the cost of cleaning, painting, pest control and replacing the smoke alarm.

The legislation does not permit me to award any litigation related costs other than the filing fee. Therefore the landlord's claim for lawyer's fees is dismissed without leave to reapply. Since the landlord has proven his case he is also entitled to the filing fee of \$50.00.

Overall the landlord has established a claim of \$1,448.99. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$1,448.99**.

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: July 12, 2011.

Residential Tenancy Branch