

## **DECISION**

Dispute Codes      MND, MNR, FF

### Introduction

This is an application filed by the Landlord for a monetary order for damage to the unit, site or property, for unpaid rent and loss of rental income and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

### Background and Evidence

The Landlord states that this Tenancy began on April 1, 2011 on a fixed term tenancy for 6 months until September 31, 2011. The current Owner/Landlord took possession of the property on May 2, 2011 after completion of the sale for this duplex and assumed the role of Landlord in this Tenancy. The Landlords obtained an order of possession through the direct request process after a 10 day notice to end tenancy for unpaid rent was served on July 2, 2011. The monthly rent was \$1,000.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$500.00 was paid on April 1, 2011. The Tenant's obtained a monetary order for the return of double the \$500.00 security deposit after an application for dispute was filed by the Tenant. The Tenant vacated the rental unit on July 22, 2011.

The Landlord states that the Tenant was served with the notice of hearing documents by registered mail on September 15, 2011. The Landlord has provided the Canada Post Registered Mail Receipt Number for each Tenants, #RW568137840CA and #RW568137853CA. The Landlord states that it was served on the address provided in writing by the Tenant.

The Landlord is seeking compensation of unpaid rent of \$1,000.00 for July 2011 and loss of rental income for August and September 2011 for a total claim of \$3,000.00. The Landlord relies on the photographic material submitted in conjunction with the receipts and invoices submitted to show their loss. The Landlord states that after renting a vacuum cleaner, then a steam cleaner it was determined that the carpets

needed to be replaced because of the stains, fleas and animal feces shown in the photographs. The Landlord is seeking recovery of the costs of a Canine Siphotrol Spray obtained from the Comox Valley Animal Hospital for \$32.46 for the treatment of fleas in the rental property, the vacuum cleaner rental of \$16.80, a steam cleaner rental of \$61.57 and the carpet shampoo for \$17.91, the dump fees of \$16.50, \$8.50 and \$26.00 for a total of \$51.00 as shown in the submitted copies of receipts from Comox Strathcona Waste Management. The Landlord is also seeking recovery of housekeeping services fees (general cleaning) of \$320.00 by the Landlord (16 hours @ \$20.00 per hour), who is also a professional cleaner. The Landlord is seeking recovery of the carpet replacement costs of \$424.57 as shown in the receipt from Home Depot, a refrigerator replacement of \$150.00 from the ReStore because of the spoiled food left in the old refrigerator. The Landlord seeks the costs for the replacement of locks of \$53.46 and \$22.40 totalling \$75.86 from Price's Security Locksmiths because the Landlord states that when they took possession of the rental property none of the existing keys worked and it was determined that the Tenant changed the locks without permission.

The Landlord has also applied for the costs of two instant cameras totalling, \$22.35, photocopying costs of \$24.53 and an estimated cost of photocopying of \$25.00 for evidence and the application process. The Landlord has also made an application for the recovery of the \$50.00 filing fee from the direct request process.

### Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was served with a notice of hearing and the evidence packages by registered mail on September 15, 2011. The Tenant is deemed to have been served 5 days after the notice of hearing and evidence packages were sent on September 15, 2011. The Tenant has not attended the hearing nor have they filed any evidence in dispute of the Landlord's claims.

I find that the costs sought by the Landlord for instant cameras, photocopying and the filing fee from the direct request process are part of litigation costs and is non-recoverable. This portion of the Landlord's claim is dismissed.

Based upon the undisputed testimony and the submitted documentary evidence of the Landlord, I am satisfied that the Landlord has established a total claim of \$4,150.31. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order under section 67 for the balance due of \$4,200.31. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$4,200.31

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: October 12, 2011.

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Residential Tenancy Branch