



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been personally served with the application for dispute resolution and notice of the hearing on July 14, 2011, the tenant did not participate in the teleconference hearing.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on June 1, 2005. Rent in the amount of \$540 was payable in advance on the first day of each month. On May 5, 2005, the landlord collected a security deposit from the tenant in the amount of \$237.50. On May 5, 2010, the tenant abandoned the rental unit.

The landlord has claimed the following compensation:

- 1) \$540 for unpaid rent and lost revenue for May 2010 – the landlord began advertising immediately but was unable to re-rent the unit for any portion of May 2010
- 2) \$45 for cleaning of drapes
- 3) \$183.75 for one coat of paint for all walls – the walls were previously painted in 2005, before the tenancy began
- 4) \$71.40 to repair and re-paint the ceiling
- 5) \$47.25 to paint the kitchen window sill – there was excessive dirt and mould on the window sill, and it required cleaning and painting
- 6) \$25 to replace a broken toilet seat
- 7) \$238.35 for hauling charges – the tenant left everything behind, including an old kitchen table and chairs, an old tv and an old bed

Analysis

Upon consideration of the evidence, I find as follows.

The landlord is entitled to all of the items claimed, except the amount claimed for painting. As set out in the Residential Tenancy Policy Guidelines, the average age for interior paint is four years. The paint in the rental unit was five years old, and the landlord therefore is not entitled to recovery of the cost of painting. I dismiss that portion of the landlord's claim, and allow the remaining claim.

As the landlord's claim was mostly successful, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The landlord is entitled to \$1017. I order that the landlord retain the deposit and interest of \$245.92 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$771.08. This order may be 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*.

Dated: October 12, 2011.

Residential Tenancy Branch