



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes MND MNSD MNDC

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. Both parties attended the hearing and had an opportunity to be heard.

Issues

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began in June of 2008 and ended on July 2, 2011. The tenant was supposed to vacate the rental unit by June 30, 2011. The rent was \$725.00 per month. A security deposit of \$325.00 was paid at the start of the tenancy. Condition inspection reports were not completed upon move-in or move-out.

The landlord testified that the tenant did not move out on time and cost her valuable time in preparing the rental unit for the next tenant. The landlord also testified that the tenant did not properly clean the carpet and failed to return the keys. The landlord also testified that the drains in the rental unit were slow and required the services of a plumber to clear. The landlord submitted invoices and photos in support of her claim.

The tenant admitted that he did not clean the carpet and that the keys had been lost along with his car keys. The tenant further acknowledged that he did not vacate the rental unit on the day he was supposed to vacate. However, the tenant believed he had extra time to clean up and move out due to the fact that the new tenants were not supposed to be arriving until the 7th of July.

The tenant did not submit any documentary evidence.

Analysis

The landlord has made a monetary claim against the tenant comprised of the following:

Rent for first half of July	\$362.50
Carpet cleaning	\$40.00
Re-keying	\$81.25
Plumbing	\$271.19
TOTAL	\$754.94

In the present case, I am satisfied based on all that is before me that the landlord has established all of her claim except the claim for plumbing. The tenant became liable for the rent for the first half of July when he failed to vacate on June 30. The tenant admitted that the carpet was left cluttered and dirty and that the keys were lost. There is insufficient evidence before me to prove that the tenant is responsible for the drainage problem in the unit. As a result, I dismiss this portion of the landlord's claim.

Conclusion

I find that the landlord has established a total monetary claim of \$483.75. I therefore order that the landlord retain the deposit of \$325.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$158.75. 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*.