



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for damage to the unit – Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on April 1, 2009 and ended on August 31, 2010. No security deposit was taken by the Landlord. A move-in inspection was conducted between the parties, and although the Landlord provided the Tenant with two opportunities to attend a move-out inspection, the Tenant failed to do so. The Landlord completed the move-out inspection and report on August 31, 2010. The Tenant left the unit unclean and damaged as set out in the move-out report and as indicated by the photo evidence provided by the Landlord. The Landlord claims the amount of \$963.86 for unit cleaning, carpet cleaning, painting and repairs and provided invoices for the amounts claimed.

Analysis

Section 37 of the Act provides that when a tenancy vacates a rental unit, the tenant must leave the unit reasonably clean and undamaged except for reasonable wear and tear. Given the undisputed evidence of the Landlord of damage to the unit by the Tenant and considering the reasonable amounts claimed for the cost to repair the damage, I find that the Landlord has substantiated that the Tenant failed to leave the unit clean or undamaged and is entitled to the amount of \$963.86. The Landlord is also entitled to recovery of the \$50.00 filing fee for a total amount of \$1,013.86.

Conclusion

I grant the Landlord an order under Section 67 of the Act for the amount of **\$1,013.86**. If necessary, 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: December 14, 2011.

Residential Tenancy Branch