



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNDC, MNR, MNSD

Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on January 10, 2012; however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$3472.85, a request for recovery of the \$50.00 filing fee, and request to retain the full security deposit of \$550.00.

Background and Evidence

The applicant testified that:

- The tenant failed to pay the November 2011 rent and as a result a 10 day Notice to End Tenancy was served on the tenant.
- The tenant vacated the rental unit on December 14, 2011; however the tenant failed to pay any further rent prior to vacating.

- The tenant also failed to pay his gas utility bill that he was responsible for and as a result they have had to pay that bill.
- The tenant also left the rental unit extremely dirty and in need of extensive cleaning and carpet cleaning, having left the unit without doing any cleaning whatsoever.
- The tenant also left numerous unwanted items and rubbish behind which had to be taken to the dump.
- The tenant also bonded 9 mirrors to the walls in the bedrooms and as a result the walls were damaged when the mirrors were removed and had to be repaired and painted. There are also numerous holes drilled in the walls.
- They also changed the locks at the rental unit because even though the tenant had return the keys they were concerned the tenant may have cut another key and they wanted to ensure the tenant no longer had access to the rental unit.
- They also had return ferry trip charges from Horseshoe Bay to Nanaimo to deal with the issues caused by the tenant.

The applicants are therefore requesting an order as follows:

Rent outstanding for November 2011	\$1100.00
Rent outstanding for December 2011	\$500.00
Cost to change locks	\$78.36
Cost to have rental unit cleaned	\$455.84
Costs have carpets cleaned	\$330.40
Cost to dispose rubbish	\$36.00
60% of painting and wall repair costs	\$436.80
Outstanding utilities	\$893.35
Ferry trip charges	\$192.10
Filing fee	\$50.00
Total	\$4072.85
Less security deposit held	-\$550.00
Total	\$3522.85

Analysis

It is my finding that the landlord has shown that there is rent outstanding for the full month of November 2011, and from December 1 through December 14, 2011, and therefore I allow the landlords full claim for outstanding rent.

The landlords have also shown that the tenant failed to pay the utilities that was his responsibility and therefore I allow the landlords claim for the outstanding utilities.

I deny the landlords claim for changing the locks, because the tenant returned all the keys that were given to him, and therefore if the landlords choose to change the locks for their own security they do so at their own cost.

I will allow the landlords claims for cleaning, carpet cleaning, and rubbish disposal as it is my finding that the tenant left the rental unit in need of extensive cleaning and left a significant amount of rubbish behind.

I also allow the landlords claim for 60% of the painting and wall repair costs, as I find that the tenant caused extensive damage to walls in the rental unit.

I deny the landlords claim for return ferry to charges as this is a cost of doing business for absentee landlord and cannot be passed on to the tenant.

Therefore the total amount of the landlord's claim that I have allowed is as follows:

November 2011 rent outstanding	\$1100.00
December 2011 rent outstanding	\$500.00

Utilities outstanding	\$893.35
General cleaning	\$455.84
Carpet cleaning	\$330.40
Rubbish disposal	\$36.00
Painting and wall repair	\$436.80
Filing fee	\$50.00
Total	\$3802.39

Conclusion

I have allowed \$3802.39 of the applicants claim and I therefore order that the applicant may retain the full security deposit of \$550.00 and I have issued a monetary order in the amount of \$3252.39.

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: March 14, 2012.

Residential Tenancy Branch