



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MND, MNDC

### Introduction

#### Absence

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

I also gave the applicant and his witnesses the opportunity to testify at the hearing.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on June 28, 2012, however the respondent(s) did not join the conference call that was set up for the hearing.

I have reviewed the evidence provided by the landlord and the registered mail receipts show that only the parties Jolee P.H. And Michael D.J. were served with notice of today's hearing. Therefore all other respondents will be removed from any order issued.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is an application for a monetary order in the amount of \$13,175.00, and a request for recovery of the \$100.00 filing fee.

### Background and Evidence

The applicant testified that:

- The tenant's had a fixture tenancy agreement that ran until June 30, 2012, however they vacated on May 27th 2012 and left the rental unit in such poor condition that he was unable to re-rent the unit for the month of June 2012. He therefore lost the full rental revenue of \$1800.00 for that month.

- The tenants also left an extensive amount of garbage (see photos) behind in the rental unit and left the rental unit in need of extensive cleaning, and as a result 54 man-hours were spent cleaning the rental unit.
- The tenants also left the walls in the rental unit badly scratched up, dented, and filthy, and as a result all the walls in the rental unit had to be painted. This is a 2500 ft.<sup>2</sup> house and so the painting was an extensive job.
- The tenants also had unauthorized dogs in the rental unit that destroyed the hardwood floors and they cannot be repaired. As a result the hardwood floors have to be replaced. They received an estimate (attached) from Windsor plywood for the cost of the materials and labour.
- The tenants also failed to return the keys, the remote for the garage door opener, and the remote for the fans in the rental unit and as a result the locks had to be changed and new remotes purchased.

The applicants are therefore requesting an order as follows:

Loss rental revenue for June 2012	\$1800.00
Cleaning and garbage removal	\$575.00
Painting materials and labour	\$2500.00
Replace hardwood floors (materials)	\$5000.00
Replace hardwood floors (labour)	\$3000.00
Rekey locks and replace remotes	\$300.00
Filing fee	\$100.00
Total	\$13275.00

### Analysis

It's my finding that the applicants have established the full amount claimed.

I allow the claim for lost rental revenue for June 2012, because the tenant's left the rental unit in extremely poor condition, making it virtually impossible to re-rent it for the month of June 2012.

The tenant's left this rental unit in an extensively dirty and damage condition, and with an extensive amount of garbage left behind, and therefore I also allowed claim for the landlord's labor for cleaning this rental unit.

It's obvious from the photos that the walls in this rental unit were also left badly marked up and in need of repainting, and therefore also allow the claim for painting. The painting needed was extensive and I find the landlord's claim to be quite reasonable.

I also allow the landlord's claim for replacing the hardwood floors. The photo evidence shows that these floors were extensively damaged and the landlord has provided an estimate for replacing floors, and even though the landlord did the work themselves it's my decision in the amount claimed is fully justified.

I also accept the landlord's word that the locks had to be rekeyed, the remote for the garage had to be replaced, and the remote for the fans had to be replaced, and I therefore also allow the landlord's claim for rekey the locks and replacing the remotes.

I also order recovery of the \$100.00 filing fee.

### Conclusion

I have issued an order for the respondents MDJ, and JPH to pay \$13,275.00 to the applicant.

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: September 05, 2012.

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Residential Tenancy Branch