



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, MNR, MNSD, OPR

### Introduction

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 the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed September 25, 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 an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a monetary order for \$4250.00, and a request for recovery of the \$50.00 filing fee.

### Background and Evidence

This tenancy began July 1, 2011, with a monthly rent of \$1225.00.

The tenant paid a security deposit of \$600.00 on June 7, 2011.

The applicant testified that:

- They no longer require an Order of Possession as they now have possession of the rental unit.
- They got possession of the rental unit on September 30, 2012, however the full September 2012 rent is still outstanding.
- The tenant September 2012 rent was NSF.

- When the tenant vacated, the tenant left the rental unit in an extremely dirty and damaged condition and they have provided photo evidence in support of this claim.
- There were holes in walls, gouges in walls, and gum stuck to the walls in numerous places, and as a result the walls had to be repaired and the whole unit repainted.
- Two doors were destroyed and had to be replaced.
- The refrigerator had been left turned off with food rotting and as a result the refrigerator was totally destroyed and had to be disposed of and replaced.
- The tenant also left a large amount of belongings behind it had to be disposed of as well.

The applicants are therefore requesting an order as follows:

September 2012 rent outstanding	\$1225.00
NSF cheque charge	\$25.00
Suite cleaning and carpet cleaning	\$787.00
Furniture disposal	\$350.00
Repair walls and Paint entire suite	\$775.00
Replace refrigerator	\$499.00
Replace the bathroom and closet doors	\$525.00
Filing fee	\$50.00
Total	\$4236.00

### Analysis

The tenant failed to pay the September 2012 rent and the landlords did not regain possession of the rental unit until September 30, 2012 and therefore I allow the landlords claim for the outstanding September 2012 rent.

I also allow the claim for the NSF cheque charge.

It is also my finding that the landlord has shown that this rental unit was left in need of significant cleaning and repairs, and that a large amount of belongings were left behind which had to be disposed of. I therefore allow the full amount claimed by the landlords for cleaning and repairs.

I also order recovery of the filing fee.

### Conclusion

I have allowed the landlords full claim of \$4236.00, and I therefore order that the landlords may retain the full security deposit of \$600.00 and have issued a monetary order in the amount of \$3636.00

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 29, 2012.

---

Residential Tenancy Branch