



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

MND, MNSD, FF

### **Introduction**

This was an application by the landlord filed September 14, 2012 for a monetary order for damages to the rental unit, to retain the security deposit in partial satisfaction of the monetary claim and to recover the filing fee for this application. The hearing was conducted by conference call. I accept that the landlord's application is inclusive of a claim for loss respecting late fees in this tenancy, as articulated in the details of dispute.

The landlord participated in the hearing. The tenant did not attend although served with the application and Notice of Hearing sent by registered mail on September 17, 2012. The landlord provided proof of mail registration including the tracking number for the mail, purported to have been received by the tenant, and deemed received according to Section 90 of the Act.

The landlord provided evidence that they sent the tenant all evidence submitted to this hearing.

### **Issue(s) to be Decided**

Is the landlord entitled to a monetary order in the amount claimed?

### **Background and Evidence**

The undisputed testimony and evidence of the landlord is that the tenancy started January 01, 2012 and ended August 31, 2012. Rent payable was \$1500.00 per month. At the outset of the tenancy the landlord collected a security deposit of \$750.00 which the landlord still holds. At the end of the tenancy the landlord and tenant conducted an inspection and completed an inspection report.

The landlord claims the tenant caused damage to the unit during the tenancy. The landlord claimed global cleaning costs of \$250.00, \$50.00 for drywall repairs and

painting, \$70.00 to clean the exterior and dispose of refuse, \$30 to replace the stove drip pans, \$140.00 for carpet cleaning, and \$1263.36 to replace the kitchen counter-top. In addition, the landlord claims 2 late fees for June and August 2012 as per tenancy agreement.

The landlord provided relevant evidence in support of their claim via photographs, the condition inspection report, an invoice respecting their claims, the rent ledger and tenancy agreement. The landlord's total claim is in the sum of **\$1853.36**.

### **Analysis**

I accept the landlord's testimony and documentary evidence submitted as establishing that they incurred the amounts claimed and that they are entitled to compensation in the amount of \$1853.36. The landlord is further entitled to recover the \$50 filing fee paid for their application for a total award of **\$1903.36**.

### **Conclusion**

**I Order** that the landlord retain the deposit \$750.00 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$1153.36**. 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 03, 2012

---

Residential Tenancy Branch