



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD, MND, MNR

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 testified that the respondent(s) were served with notice of the hearing by registered mail it was mailed October 24, 2012; however the respondent(s) 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 \$2502.00, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit of \$750.00 towards the claim.

Background and Evidence

The applicant testified that:

- The tenant was in a fixed term tenancy with an expiry date of October 31, 2012.
- The tenant failed to pay any rent for the month of October 2012, and vacated on October 10, 2012.
- They were unable to re-rent the unit in the month of October 2012 and therefore lost the full rental revenue of \$1300.00 for that month.
- The tenant also left the suite in need of significant cleaning and as a result they had to have the suite cleaned at a cost of \$202.00.
- The tenant also damaged the wood flooring in the rental unit with numerous deep gouges, and originally they had estimated \$750.00 to repair this damage, however there now just asking for \$175.00 depreciated value.

- At the end of the tenancy the fireplace would not turn on and as a result they had to have someone come in and get the fireplace going and they're asking for \$150.00 labour costs.
- The tenant also failed to change the furnace filter during the tenancy and as a result it required changing at the end of the tenancy, and therefore they're asking for \$25.00 for the cost and labour to replace the furnace filter.
- The tenant also failed to replace the refrigerator filter and therefore it had to be replaced at the end of the tenancy at an actual cost of \$78.39, however they have only claim \$75.00.

Therefore the reduced amount they are requesting is as follows:

October 2012 lost rental revenue	\$1300.00
Cleaning costs	\$202.00
Floor damage	\$175.00
Repair fireplace	\$150.00
Replace furnace filter	\$25.00
Replace refrigerator filter	\$75.00
Filing fee	\$50.00

Total	\$1977.00

They therefore ask that they retain the full security deposit of \$750.00 towards this claim, and request that a monetary order be issued for the difference.

Analysis

It is my finding that the tenant is liable for the loss rental revenue for the month of October 2012. First of all he did not vacate until October 10, 2012, and secondly this was a fixed term tenancy with an expiry date of October 31, 2012 and therefore since the unit was not re-rented, the tenant is liable for rent right to the end of the month.

I also allow the claim for cleaning as the photo evidence clearly shows a rental unit was left in need of significant cleaning.

I also allow the reduced amount for floor damage as it's my finding that the tenant caused significant damage to the wood flooring in the rental unit, and the amount claimed by the landlords reasonable.

I will not allow the claim for repairing the fireplace, as there is no evidence to show that the problem with the fireplace was the result of any willful or negligent actions on the part of the tenant.

I will allow the claim for replacing both the furnace and refrigerator filters as it's my finding that it's reasonable the tenant maintain these filters during the tenancy.

I also allow the request for recovery of the filing fee.

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

October 2012 loss rental revenue	\$1300.00
Cleaning	\$202.00
Wood floor damage	\$175.00
Replace furnace filter	\$25.00
Replace refrigerator filter	\$75.00
Filing fee	\$50.00
Total	\$1827.00

Conclusion

I have allowed \$1827.00 of the claim and I therefore order that the landlords may retain the full security deposit of \$750.00 and I've issued a monetary order in the amount of \$1077.00.

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: January 23, 2013

Residential Tenancy Branch

