



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order permitting her to retain the security deposit. Despite having been served with the application for dispute resolution and notice of hearing via registered mail sent on October 9, 2012, the tenant did not participate in the conference call hearing.

At the hearing, the landlord withdrew her claim for the cost of replacing mini blinds and reduced her claim for the cost of removing abandoned items.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began on July 1, 2007 at which time the tenant paid a \$262.50 security deposit and ended on or about September 21, 2012. In addition to her oral testimony, the landlord provided photographs and invoices showing damage to the unit and the cost of remediation.

The landlord testified that the rental unit was left unclean and that because the tenant had smoked in the rental unit, significant time had to be spent washing the walls of the unit to remove as much of the nicotine residue as possible. The landlord seeks to recover \$410.00 as the cost of cleaning the unit.

The landlord paid a total of \$2,016.00 to repaint the rental unit and seeks to recover \$500.00 of that cost as the price of applying a coating to the walls to seal the stain and odour of nicotine.

The landlord seeks to recover \$25.00 as the cost of removing a desk which was abandoned by the tenant.

The landlord seeks to recover the \$50.00 filing fee paid to bring her application.

Analysis

I accept the landlord's undisputed evidence and having considered the landlord's testimony together with her photographic and written documentation, I find that the tenant caused significant staining on the walls of the rental unit, that she failed to adequately clean the rental unit and that she abandoned a desk which had to be removed. I find that the landlord should recover the sums sought and I award her \$985.00 which represents \$410.00 for cleaning, \$500.00 for a wall treatment, \$25.00 for removing the abandoned desk and \$50.00 for the filing fee.

I order the landlord to retain the \$262.50 security deposit and the \$6.19 in interest which has accrued to the date of this judgment and I grant the landlord a monetary order for the balance of \$716.31. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord will retain the security deposit and is granted a monetary order for \$716.31.

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 07, 2013

Residential Tenancy Branch

