



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MND, MNR, MNSD, FF

### 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 personal service on January 16, 2013 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 an application for a monetary order for \$6340.71, and a request to retain the full security deposit towards the claim.

### Background and Evidence

The applicant testified that:

- This tenancy began on July 1, 2012 with a monthly rent of \$1524.00.
- A security deposit of \$762.00 was collected on June 26, 2012.

- The tenants failed to pay the rent in the month of December 2012, and therefore on December 20, 2012, a 10 day Notice to End Tenancy was posted on the tenant's door.
- To date the tenants have failed to comply with the notice to end tenancy and have failed to pay any further rent.
- The tenants have also failed to pay utilities at the rental unit even though they were required to in their tenancy agreement.
- The tenants have also caused damage to the drywall in the rental unit that will have to be repaired.
- The rental unit will have to be cleaned and the carpets will also have to be shampooed when the tenants vacate.
- The tenants also have a pet in the rental unit and have failed to pay any pet deposit.

The applicants are therefore requesting an order as follows:

December 2012 rent outstanding	\$1524.00
January 2013 rent outstanding	\$1524.00
February 2013 rent outstanding	\$1524.00
Utilities invoice from December 2012	\$474.17
Anticipated utilities to the end of February 2013	\$324.00
NSF fees \$25.00 X 2	\$50.00
Unpaid pet deposit	\$200.00
Carpet cleaning estimate	\$145.54
Suite cleaning estimate	\$125.00
Estimated drywall repairs	\$400.00
Filing fee	\$100.00
Total	\$6390.71

Analysis

I will allow the request for an Order of Possession, because the tenants have failed to pay a substantial amount of rent, and a valid notice to end tenancy has been served on the tenants.

It's my finding that the landlord has shown that there is a total of three months' rent outstanding and I therefore allow the claim for that outstanding rent.

It is also my finding that the landlord has shown that the tenants failed to pay the December 2012 utilities invoice totaling \$474.17, and I therefore also allow that portion of the claim.

I will not allow the landlords claim for anticipated utilities to the end of February, because at this point landlords have no evidence to show what that amount may be.

I will allow the landlords NSF fees, as the tenancy agreement allows for a fee of \$25.00 for each NSF charge.

I will not issue an order for the tenants to pay a pet deposit as I have no authority to do so.

I will not issue any order for drywall repairs at this time, because the landlords have not yet done those repairs, and do not have an estimate of the cost to do the repairs.

I will also not allow the claims for cleaning and carpet cleaning, because at this point we do not know what condition the tenants leave the rental unit in.

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

The total amount of the landlord's monetary claim I have allowed is as follows:

December 2012 rent outstanding	\$1524.00
January 2013 rent outstanding	\$1524.00
February 2013 rent outstanding	\$1524.00
December 2012 utility bill	\$447.17
NSF fees	\$50.00
Filing fee	\$100.00
Total	\$5169.17

### Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent's.

I have allowed \$5169.17 of the monetary claim, and I therefore order that the landlord may retain the full security deposit of \$762.00 and I've issued a Monetary Order in the amount of \$4407.17.

The remainder of the landlord's monetary claim is dismissed with leave to reapply.

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: February 05, 2013

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Residential Tenancy Branch

