



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes:

**MNR, MNDC, MNSD, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent, damage to the rental unit and for damage or loss under the Act, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The agent for the landlord provided affirmed testimony that on December 4, 2012 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant by registered mail to the address provided by the tenant. A Canada Post tracking number and receipt was provided as evidence of service. The landlord stated that the Canada Post tracking web site showed that on December 6, 2012 the tenant signed, accepting the mail.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

### Issue(s) to be Decided

Is the landlord entitled to compensation in the sum of \$272.00 for unpaid January 2012 rent?

Is the landlord entitled to compensation for cleaning and wall repair in the sum of \$487.87?

Is the landlord entitled to filing fee costs?

### Background and Evidence

The tenancy commenced on November 12, 2011; subsidized rent was \$272.00 due on the 1<sup>st</sup> day of each month. A move in condition inspection report was completed and signed by both parties. The inspection indicated that the unit was in very good

condition. Copies of the tenancy agreement and inspection report were supplied as evidence.

The tenant did not pay January 2012 rent owed and on January 09, 2012 a 10 Day Notice Ending Tenancy for Unpaid Rent was issued. The landlord was not sure of the date the tenant vacated the unit; the effective date of the Notice was January 23, 2012.

On February 1, 2012 the landlord served the tenant with Notice to complete a move-out condition inspection report on; the Notice was posted to the door. A copy of the move-out condition inspection report completed on February 6, 2012 was supplied as evidence. The landlord supplied photographs that showed food had been left in the fridge and that a hole had been in a wall.

The inspection report indicated that the majority of the unit had not been cleaned. The landlord supplied a copy of a "Tenant Unit Chargeback Cleaning" form that detailed the areas of the unit that had to be cleaned. The cleaners spent 20 hours; the landlord gave the tenant a 6 hour cleaning credit, as they do with all occupants who vacate. A copy of an invoice in the sum of \$319.37 was supplied as evidence of payment to the cleaner.

The landlord supplied a March 21, 2012 invoice from a construction company for the cost of repairing the hole left in the wall; totalling \$168.00.

The tenant did not pay the last month's rent owed; the landlord has claimed compensation for the loss of January 2012 rent in the sum of \$272.00.

On April 23, 2012 the landlord sent the tenant a letter, a copy of which was supplied as evidence. The landlord informed the tenant that they required payment of \$759.87 for cleaning, rent and wall repairs. Payment was not received.

### Analysis

When making a claim for damages under a tenancy agreement or the Act, the party making the allegations has the burden of proving their claim. Proving a claim in damages requires that it be established that the damage or loss occurred, that the damage or loss was a result of a breach of the tenancy agreement or Act, verification of the actual loss or damage claimed and proof that the party took all reasonable measures to mitigate their loss.

In the absence of evidence to the contrary, and in the absence of the tenant who was served with Notice of this hearing, I find that the landlord's claim has merit.

Based on the condition inspection report, I find that the unit was in good condition at the start of the tenancy. The move-out inspection report was completed in the absence of the tenant. I find that the tenant vacated at some point after the January 9, 2012 Notice

was served, and prior to February 6, 2012. The landlord did provide verification of the amounts claimed and several photographs in support of the claim.

Based on the verification the condition inspection report and photographs I find that the tenant did not leave the unit reasonably clean and that the landlord is entitled to the cleaning costs claimed.

Based on the photographs and the verification of repair supplied, I find that the wall was damaged by the tenant and that the landlord is entitled to the repair costs as claimed.

Based on the affirmed testimony of the landlord I find that the tenant failed to pay January 2012 rent. The landlord issued the tenant a 10 Day Notice to End Tenancy for Unpaid Rent; I accept that the tenant vacated and did not pay the rent. Therefore, I find that the landlord is entitled to compensation in the sum of \$272.00 for January 2012 rent.

I find that the landlord's application has merit, and that the landlord is entitled to recover the \$50.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$809.87. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

### Conclusion

The landlord is entitled to compensation as claimed.

The landlord is entitled to the \$50.00 filing fee cost.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: March 08, 2013

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Residential Tenancy Branch

