



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Both the landlord and the tenant participated in the conference call hearing.

At the outset of the hearing, the tenant confirmed that she had received landlord's application and evidence. The tenant did not submit documentary evidence but gave verbal testimony. I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on April 1, 2012 and ended on December 31, 2012. Rent in the amount of \$950 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$425.

The landlord claimed \$900 for unpaid rent; \$200 for carpet cleaning; \$100 for cleaning; and \$3500 for the estimated cost of replacing the carpets. The tenant acknowledged all of the amounts except for the replacement cost for the carpets. The tenant stated that she knew there were stains on the carpet, but she felt that the amount that the landlord claimed for the carpets was high.

The landlord stated that the carpets are approximately seven or eight years old. The landlord attempted to clean the carpets but was told they would have to be replaced. The landlord received a quote of \$3500 to replace the carpets.

Analysis

Upon consideration of the evidence, I find as follows. The landlord is entitled to the amounts for unpaid rent, carpet cleaning and cleaning, as the tenant acknowledged those amounts.

I find that the landlord is not entitled to any compensation for replacing the carpets, as the landlord has not yet incurred any cost for this work, and therefore has suffered no loss. Additionally, as the average age of carpets is 10 years, the landlord would have only been entitled to 20 or 30 percent of the replacement cost, not the full value of new carpets. I therefore dismiss this portion of the landlord's application.

As the landlord's claim was partially successful, I find they are entitled to partial recovery of their filing fee, in the amount of \$25.

Conclusion

The landlord is entitled to \$1225. I order that the landlord retain the security deposit of \$425 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$800. 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: April 25, 2013

Residential Tenancy Branch

