



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Carlen Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNDC, MNR, MNSD

Introduction

This is an application for a Monetary Order for \$293.11, a request for recovery of the \$50.00 filing fee, and a request to retain a portion of the security deposit sufficient to cover the claim.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the applicant prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the applicant entitled to a Monetary Order of \$293.11?

Background and Evidence

The applicant testified that:

- The tenants are responsible for their share of utilities, and now that the bills have come in the final total for outstanding utilities is \$84.25.
- When the tenants moved out at the end of the tenancy they found the taps in the bathtub badly corroded to the point where they could not be cleaned, as a result the tub spout, drain, shower tap, and finished trim plate all had to be replaced at a cost of \$72.11 for materials, and they are also requesting \$30.00 for the landlord's labour to remove and replace these items.

- The tenants had also used some large nails to attach items to the walls of the rental unit and although they painted over these areas, the marks were still plainly visible and as a result had to be properly filled, sanded, and repainted. They are asking for \$45.00 to do these wall repairs.
- Therefore the total reduced claim they are requesting is as follows:

Outstanding utilities	\$84.25
Repairs to drain and tap	\$102.11
Wall repairs	\$45.00
Filing fee	\$50.00
Total	\$281.36

The respondents testified that:

- They do not dispute the claim for outstanding utilities; they were simply waiting for actual invoices and did not want to just pay by estimate.
- The drain in the rental unit was damaged when they first moved in and was being held together by a large hairball that was in the drain.
- The taps in the rental property were stained when they moved out, however this was just from normal use and is therefore normal wear and tear. They did not put anything on the taps that would've caused this damage.
- They did use nails in the walls in the rental unit however they repaired the damage before moving and do not believe that the damage was even visible.

Analysis

It's my finding that the landlord has established the full reduced amount claimed.

The tenants do not dispute the amounts claimed for utilities and therefore I allow that portion of the claim.

The photo evidence supplied by the landlord clearly shows damage to the taps etc. that was not there at the beginning of the tenancy, and I do not accept that this is normal wear and tear. The tenants must've use something because that staining, as staining does not normally occur to bathroom taps under normal use. Further, although the tenants claim that the drain was already damaged at the beginning of the tenancy, they have provided no evidence in support of this claim.

The photo evidence supplied by the landlord also shows clear marking on the walls that was not properly repaired when the tenants vacated and I therefore believe it's reasonable for the landlord to charge for repairing the walls properly.

Having allowed the landlords full reduced claim I also Order recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlords full reduced claim of \$281.36, and I therefore Order that the landlord may retain \$281.36 of the tenant's security deposit, and I've issued an Order for the return of the remaining \$181.14.

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: July 24, 2013

Residential Tenancy Branch

