



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MDSD & FF

### Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to where the Tenant resides. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to A Monetary Order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a 6 month fixed term written tenancy agreement that provided that the tenancy would start on June 20, 2011, end on December 31, 2011 and become

month to month after that. The rent was \$1100 per month payable on the first day of each month. The tenant paid a security deposit of \$550 at the start of the tenancy.

The tenant failed to pay the rent for May 2013. The landlord made a direct request application for an Order for Possession and a monetary order for non-payment of rent. On June 5, 2013 the tenant returned the keys to the landlord and advised the landlord he had vacated the rental unit. The landlord subsequently obtained an Order for Possession and a monetary order for non payment of rent for May 2013 as a result of her Direct Request Application. The landlord now seeks a monetary order for loss of rent for June and damages to the rental unit.

The tenant testified the rental unit including the carpets was in poor condition. Further, he experience problems with mice, maggots and houseflies. He testified he felt sick while he stayed in the rental unit. He also stated the landlord encroached on his parking stall but put building materials and rubbish. I determined these are not defenses to the landlord's claims. They may be the subject matter of a claim filed by the Tenant but the Tenant must first file a claim with the Residential Tenancy Branch to have these matters heard.

#### Analysis - Monetary Order and Cost of Filing fee

With regard to each of the landlord's claims I find as follows:

- a. I determined the landlord is entitled to the sum of \$1000 for loss of rent for June, a \$25 late charge and a \$25 NSF charge for a total of \$1050. The tenant failed to give sufficient notice and the landlord lost rent for June.
- b. I determined the landlord is entitled to the sum of \$99.75 for the cost of carpet cleaning. The tenant failed to clean the carpets when he vacated the rental unit.
- c. I determined the landlord is entitled to \$126 for the cost of cleaning (including \$21 for cleaning materials).
- d. I determined the landlord is entitled to \$40.15 for the cost of replacing the bathroom door.

In summary I determined the landlord has established a claim against the Tenant in the sum of \$1315.90. I granted the landlord a monetary order in the sum of \$1315.90 plus the sum of \$50 in respect of the filing fee for a total of \$1365.90.

Security Deposit

**I determined the security deposit plus interest totals the sum of \$550. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$815.90.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: August 09, 2013

---

Residential Tenancy Branch