



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MND, MNSD & MNDC

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 personally served on each of the tenants on June 14, 2013. 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 landlords are entitled to a monetary order and if so how much?
- b. Whether the landlords are entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlords are entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a month to month written tenancy agreement that provided that the tenancy would start on May 1, 2012. The tenancy agreement provided that the tenant(s) would pay rent of \$1000 per month payable on the first day of each month. The tenants paid a security deposit of \$500 at the start of the tenancy.

The tenants failed to pay the rent for May 2013. The landlords served a 10 day Notice to End Tenancy on the tenants on May 11, 2013. The tenants vacated the rental unit on or about May 24, 2013.

Analysis

The Residential Tenancy Act provides the tenant must maintain reasonable health, cleanliness and sanitary standards throughout the rental unit and the other residential property to which the tenant has access. The tenant must repair damage to the rental unit or common areas that is caused by the actions or neglect of the tenant or a person permitted on the residential property by the tenant and is liable to compensate the landlord for failure to do so. In some instances the landlord's standards may be higher than what is required by the Act. The tenant is required to maintain the standards set out in the Act. The tenant is not required to make repairs for reasonable wear and tear. The applicant has the burden of proof to establish the claim on the evidence presented at the hearing.

Monetary Order and Cost of Filing fee

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

- a. I determined the landlords are entitled to the sum of \$640 for non-payment of rent for May 2013.
- b. I determined the landlords are entitled to \$480 for the cost of cleaning based on two cleaning people working 12 hours each @ \$20 per hour.
- c. I determined the landlords are entitled to \$269.70 for the cost of garbage removal and repairs.

- d. I determined the landlords are entitled to \$210.65 for the cost changing locks and repair to the locks.
- e. I determined the landlords are entitled to \$200 for the cost of removal and replacing the toilet.
- f. I determined the landlords are entitled to \$300 for carpet cleaning, lawn mowing and gutter cleaning.
- g. The landlord was not able to rent the rental unit for June because of the condition the tenants left it. I determined the landlords are entitled to \$1000 for loss of rent for June.

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$3100.35 plus the \$50 filing fee for a total of \$3150.35.

Security Deposit

I determined the security deposit plus interest totals the sum of \$500. I determined the landlord is entitled to retain this sum. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$2650.35.

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.

Dated: August 19, 2013

Residential Tenancy Branch

