



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, OPB, OPC

### Introduction

This is an application for an Order of Possession based on a notice to end tenancy for nonpayment of rent, and a request for a Monetary Order.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on August 22, 2013; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

One of the issues that had been a request was an Order of Possession, however by the date of the hearing the tenant had vacated and the landlord already had possession, and therefore that is no longer an issue.

The issue therefore is whether or not the landlords have established a monetary claim against the tenant.

### Background and Evidence

The applicant testified that:

- There were holes kicked in two doors in the rental unit and both doors needed to be replaced and repainted.

- There was a large hole in a wall in the basement that had to be patched and repainted.
- There was a much larger hole in the bedroom of the rental unit and it too had to be patched and repainted.
- To light switch covers were broken.
- There was smoke damage the ceiling and light fixture in the kitchen and as a result they had to repaint the ceiling and clean light fixture.
- There was a large stain on the carpet that had to be cleaned.
- The tenants had done no yard work in the yard was in a terrible condition and as a result they had to hire someone to come in and do weed eating and lawn work.
- The tenants also left a boat behind that will need to be removed.

They are therefore requesting a Monetary Order as follows:

Replace and repaint doors	\$200.00
Repair hole in basement wall	\$150.00
Repair hole in bedroom wall	\$200.00
Replaced to switch covers	\$4.00
Clean smoke damage in kitchen	\$50.00
Clean carpet stains	\$50.00
Lawn maintenance	\$220.00
Boat removal	\$150.00
Costs pursuing dispute resolution	\$307.20
GST	\$50.20
Total	\$1381.40

### Analysis

It is my finding that the applicants have supplied sufficient evidence to show that this rental unit was left in need of significant cleaning and repairs, and therefore I have allowed the majority of their claim, as I find the amounts requested to be reasonable.

I will not however allow the claim for GST as the landlords are doing the work themselves and therefore GST will not need to be paid.

I also deny the majority of the cost of pursuing the dispute resolution process, as I have no authority to award any costs other than the \$50.00 filing fee which I will allow. Some of these costs are costs that relate to being an absentee landlord and are not costs that can be passed on to the tenant.

Therefore the total amount of the claim that I have allowed is as follows:

Replace and repaint doors	\$200.00
Repair hole in basement wall	\$150.00
Repair hole in bedroom wall	\$200.00
Replaced to switch covers	\$4.00
Clean smoke damage in kitchen	\$50.00
Clean carpet stains	\$50.00
Lawn maintenance	\$220.00
Boat removal	\$150.00
Filing fee	\$50.00
Total	\$1074.00

### Conclusion

I have allowed \$1074.00 of the landlords claim and I've issued a Monetary Order in that amount. The remainder of the landlords claim is dismissed without leave to reapply.

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: October 01, 2013

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Residential Tenancy Branch

