



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNSD, MNR, MNDC, FF

Introduction

This matter dealt with an application by the landlords for an Order for Possession and a Monetary Order for compensation for loss of rent, cleaning and repairs to the rental unit, to recover the filing fee for this proceeding and to keep the tenants' security and pet deposit in partial payment of those amounts. Only the landlords attended the hearing.

Issues(s) to be Decided

Are the landlords entitled to an Order for Possession, compensation for cleaning and repairs and if so, how much?

Background and Evidence

At the outset of the hearing the landlords testified that the tenants had vacated the unit as of October 10, 2013 and accordingly they were abandoning their application for an Order for Possession. The landlords brought an original application on September 26, 2013 claiming \$ 9,980.00 for unpaid rent. The landlords testified that they served the tenants with the application dated September 26, 2013 by handing it to them on the same day however were not able to serve the amended application dated October 28, 2013 seeking \$ 14,975.00 including all the repairs and cleaning expenses. Based upon the evidence of the landlords I find that this month-to-month tenancy started on May 1, 2005 and ended on October 10, 2013 when the tenants moved out. Rent was \$ 1,975.00 per month payable in advance on the 1st day of each month. The tenants paid a security deposit of \$ 900.00 on April 28, 2005, a pet deposit in instalments of \$ 450.00 on June 1, 2005 and \$ 450.00 on August 1, 2005. The landlords testified that the tenants owed arrears of \$ 6,030.00 as determined in a previous decision dated September 12, 2013 in file number 810932. The landlords are also claiming loss of rent for October and September at \$ 1,975.00 each month, for a total loss of rent and arrears of \$ 9,980.00.

Analysis

I find the tenants were served with the original application on September 26, 2013 however I have dismissed with leave to reapply the amended application dated October

28, 2013 in so far as it pertains to cleaning and repair expenses. The landlords are permitted to reapply for any cleaning, repair expenses as well as further loss of revenue beyond October 2013. .

I find based upon the evidence of the landlords and in absence of any evidence from the tenants that the landlords have proven a claim totalling \$ 9,980.00. As the landlords have been successful in this matter, I find pursuant to s. 72 of the Act that they are entitled to recover the \$100.00 filing fee for this proceeding. I order the landlords pursuant to s. 38(4) of the Act to retain the tenants' security and pet deposit inclusive of interest amounting to \$ 1,863.74 in partial payment of the rent arrears. The landlords will receive a Monetary Order for the balance owing.

Calculation of Monetary Award

Rental Arrears (as per file 810932)	\$ 6,030.00
Rental Arrears (September and October 2013)	\$ 3,950.00
Filing Fees for the cost of this application	\$ 100.00
Less Security Deposit and interest	-\$ 931.87
Less Pet Deposit and interest	-\$ 931.87
Total Monetary Award	\$ 8,304.13

Conclusion

In summary I ordered that the respondents pay to the applicants the sum of \$ 9,980.00 in respect of this claim plus the sum of \$ 100.00 in respect of the filing fee for a total of \$ 10,080.00. I order that the landlords retain the security and pet deposit amounting to \$ 1,863.74 inclusive of interest. I grant the landlords a Monetary Order in the amount of **\$ 8,304.13** and a copy of it must be served on the tenants. If the amount is not paid by the tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of that Court. I have dismissed with leave to reapply all of the other applications by the landlords.

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: November 05, 2013

Residential Tenancy Branch

