



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MND, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for a monetary order for repairs, loss of income, cleaning and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for loss of income for April, repairs, cleaning and for the filing fee?

Background and Evidence

The tenancy started on May 01, 2011 and ended on March 31, 2013.

The landlord stated that the unit was left in a dirty and damaged condition. The landlord filed photographs to support his testimony. The tenant agreed that she had not “dusted” the rental unit. The landlord stated that the tenant’s cat caused damage to the weather stripping on the front door and the tenant agreed that it was possible.

The landlord stated that the unit has a refrigerator that needs to be defrosted manually from time to time. The tenant agreed that she was informed of this requirement. The landlord stated that on the day the tenant moved out, the freezer portion of the refrigerator had approximately two inches of ice and it had leaked all over the flooring causing damage to the wall behind and to the baseboard.

The landlord also stated that he found a new tenant for April 01, but after this tenant moved out, the rental unit was not in a proper condition for a new tenant. The new tenant came by and then refused to move in stating that there was considerable mould on the windows. The landlord’s photographs confirm this. The landlord is claiming a loss of income as he was unable to rent the unit for the month of April.

The landlord is claiming the following:

1.	Wall and baseboard repair, weather strip replacement	\$279.30
2.	Printing photographs	\$90.76
3.	General suite cleaning	\$72.00
4.	Loss of income	\$250.00
5.	Filing fee	\$50.00
	Total	\$742.26

Analysis

The tenant did not dispute the landlord's monetary claim for cleaning and replacing the weather stripping on the front door.

The tenant agreed that she was informed about defrosting the refrigerator on a regular basis. Based on the testimony and photographs of the landlord, I find that the damage to the wall and baseboard was a result of not following through with this task. The landlord has filed a receipt for the cost incurred to repair the damage. Accordingly I find that the tenant is responsible for the repair and I award the landlord his claim of \$279.30.

The legislation does not permit me to award any litigation related costs other than the filing fee. Accordingly the landlord's claim for the cost of photographs is dismissed.

The tenant agreed to cover the cost of cleaning. Accordingly, I award the landlord \$72.00 for cleaning.

The landlord did not file sufficient documentary evidence to support his claim for loss of income and therefore, I dismiss his claim of \$250.00.

The landlord has proven his claim and is entitled to the recovery of the filing fee.

Overall the landlord has established a claim as follows:

1.	Wall and baseboard repair, weather strip replacement	\$279.30
2.	Printing photographs	\$0.00
3.	General suite cleaning	\$72.00
4.	Loss of income	\$0.00
5.	Filing fee	\$50.00
	Total	\$401.30

I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act*, for **\$401.30**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$401.30**.

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 06, 2013

Residential Tenancy Branch

