



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: MNR, MND, MNDC, MNSD, FF

### Introduction

This hearing concerns the landlord's application for a monetary order as compensation for unpaid rent / compensation for damage to the unit, site or property / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit and pet damage deposit / and recovery of the filing fee.

The landlord's agent and the agent representing the Public Guardian and Trustee of British Columbia, the Official Administrator of the tenant's estate (the "Trustee") attended the hearing and gave affirmed testimony.

### Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement the tenancy began on April 01, 2003. A move-in condition inspection report was completed with the participation of both parties. Monthly rent was due and payable in advance on the first day of each month. When tenancy ended in December 2013 the monthly rent was \$720.00. A security deposit of \$305.00 was collected on March 29, 2003. Thereafter, a pet damage deposit of \$200.00 was collected on June 10, 2005.

By letter dated December 19, 2013, the Trustee informed the landlord that the tenant died on November 07, 2013. In their letter the Trustee also informed the landlord that as the Official Administrator of the tenant's Estate, "we are abandoning" the unit effective December 19, 2013. No rent was collected for either November or December 2013. Subsequently, the landlord entered the unit. A move-out condition inspection report was completed by the landlord. The landlord found that certain cleaning, repairs

and removal of rubbish and other items was required. After advertising, the unit was successfully re-rented effective from January 01, 2014.

During the hearing the agent for the Trustee testified that the Trustee does not dispute any aspect of the application for compensation filed by the landlord.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Based on the affirmed testimony of the respective agents for the parties, and the documentary evidence which includes, but is not limited to, miscellaneous invoices / receipts, I find that the unit was abandoned effective December 19, 2013. As for compensation, I find that the landlord has established a claim of **\$3,328.71**, as follows:

- \$720.00: *unpaid rent for November 2013*
- \$20.00: *fee for late payment of rent*
- \$720.00: *unpaid rent / loss of rental income for December 2013*
- \$68.25: *carpet cleaning*
- \$315.00: *drape replacement*
- \$300.00: *wall repair / painting*
- \$75.00: *key / lock replacement*
- \$746.00: *garbage removal / storage*
- \$120.00: *general cleaning in the unit (including supplies)*
- \$194.46: *replacement of broken bedroom window*
- \$50.00: *filing fee*

I order that the landlord retain the security deposit of \$305.00 plus interest of \$10.79, in addition to the pet damage deposit of \$200.00 plus interest of \$7.08 [**combined total amount: \$522.87**], and I grant the landlord a **monetary order** for the balance owed of **\$2,805.84** (\$3,328.71 - \$522.87).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,805.84**. This order may be served on the Trustee of the tenant's Estate.

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: April 16, 2014

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Residential Tenancy Branch

