



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNSD, FF, MNR, CNC

Introduction

This hearing dealt with an application by the landlord seeking an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant filed an application seeking to have a One Month Notice to End Tenancy for Cause set aside, an order returning his security deposit and an order to allow more time to file an application. Both parties participated in the conference call hearing. Both parties gave affirmed evidence. At the outset of the hearing the tenant advised he was abandoning his entire application; I will address that matter at the end of this decision.

Issues to be Decided

Is either party entitled to any of the above under the Act, regulation or tenancy agreement?

Background and Evidence and Analysis

Both parties agree to the following:

The tenancy began on or about February 1, 2013 and was to be for a fixed term of one year. The tenant moved out on February 15, 2014. Rent in the amount of \$995.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$497.50. The tenant failed to pay rent in the month of February. Condition Inspection reports were not conducted as required by the Act.

I will address each party's claim and my findings as follows:

Landlords First Claim – The landlord is seeking \$54.84 for having to remove garbage and debris and take it to the local dump. The tenant did not dispute this claim. The landlord is entitled to \$54.84.

Landlords Second Claim – The landlord is seeking \$1276.73 for the cost of cleaning supplies, a cleaning lady, some repairs, painting and labour and materials. The tenant adamantly disputes this claim. The landlord stated the unit was newly renovated prior to the tenant moving in. The tenant stated that he left the unit in the exact same condition as when he received it. It was explained in great detail to the landlord the vital and useful nature of the inspection report. Without the condition inspection report or any other supporting documentation I am unable to ascertain the changes from the start of tenancy to the end of tenancy, if any. The landlord has not provided sufficient evidence to support this portion of his claim and I therefore dismiss this portion of their application.

Landlords Third Claim – The landlord is seeking \$23.40 for postal costs associated with this application. The Act does not prescribe for the recovery of these costs as there are costs associated with litigating ones claim, accordingly I dismiss this portion of the landlords' application.

Landlords Fourth Claim – The landlord is seeking \$995.00 unpaid rent for the month of February and \$995.00 for loss of revenue for March. The landlord stated that a posting was put on the internet that stated he was an unregistered sex offender of children. The landlord stated that the tenant was the one that posted this information. The tenant denied this allegation. The tenant stated that "I don't even know how to use a computer buddy". The tenant acknowledged that he did not pay the rent for the month of February. Based on the above I do find that the landlord is entitled to the unpaid rent for February but has not provided sufficient evidence to support his allegation in regards to the loss of income for March. I find that the landlord is entitled to \$995.00.

As the landlord has been only partially successful I find that he is entitled to the recovery of half of filing fee. The landlord is entitled to \$25.00.

As stated at the beginning of this decision the tenant chose to abandon his claim and I therefore dismiss his application in its entirety without leave to reapply.

As for the monetary order, I find that the landlord has established a claim for \$1074.84 I order that the landlord retain the \$497.50 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$577.34. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$577.34.

The tenants' application is dismissed in its entirety 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: March 18, 2014

Residential Tenancy Branch

