



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, FF

Introduction

This matter dealt with an application by the Landlord for compensation for damage to the unit, site or property, for compensation for loss or damage under the Act, regulations or tenancy agreement and to recover the filing fee for this proceeding.

The Landlord said she served the Tenant with the Application and Notice of Hearing (the “hearing package”) by personal delivery on March 21, 2014. The Landlord said the service of the documents was witnessed. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlords’ hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant’s absence.

Issues(s) to be Decided

1. Are there damages to the unit and if so how much?
2. Is the Landlord entitled to compensation for the damage and if so how much?
3. Are there other losses or damages and is the Landlord entitled to compensation?

Background and Evidence

This tenancy started on August 11, 2011 as a fixed term tenancy with an expiry date of August 11, 2012. Rent was \$1,100.00 per month payable in advance of the 1st day of each month. The Tenant paid a security deposit of \$550.00 and a pet deposit of \$300.00 at the start of the tenancy. The Landlord said the Tenant moved out of the rental unit on July 14, 2012 as a result of a 10 Day Notice to End Tenancy.

The Landlord said this is the second hearing for this tenancy. In the first hearing the Landlord was awarded an Order of Possession, a monetary order for unpaid rent in the amount of \$2,100.00 and the Landlord was ordered to retain the Tenant’s security and pet deposits.

The Landlord continued to say that this application is for damage to the rental unit. The Landlord said they are applying for the following:

Cleaning supplies	\$ 112.62
Landlord's labor for cleaning (44 hours @\$25/hour)	\$1,100.00
Landlord's labor for painting (37.5 hours @\$20/hour)	\$ 750.00
Landlord's labor for repairs (13 hours @\$20/hour)	\$ 260.00
Painting supplies	\$ 295.34
Materials for repairs	\$ 206.87
Filing fee for this application	\$ 50.00
Photo development costs	\$ 15.00
 TOTAL	 \$2,789.83

The Landlord said that she has provided the move in condition inspection report dated August 11, 2011 and the move out condition inspection report dated August 24, 2012 as well as paid receipts for their claims and photographs to support their application. The Landlord said the rental unit was left in very poor condition both in the unit and outside in the yard. The move in condition report indicates the unit was in good condition and was freshly painted at the start of the tenancy. The move out condition report and the photographs show the unit to be in a poor state of cleanliness and repair at the end of the tenancy.

Analysis

For a monetary claim for damage or loss to be successful an applicant must prove a loss actually exists, prove the loss happened solely because of the actions of the respondent in violation to the Act, the applicant must verify the loss with receipts and the applicant must show how they mitigated or minimized the loss.

The Landlords proved their loss exists and they verified the losses by providing receipts for the claims that the Landlords have made. As the Tenant did not attend the hearing to dispute the Landlords' claims; I accept the Landlord's testimony that these damages and losses were caused by the Tenant and the costs were reasonable amounts to make repairs to the unit. Consequently, I find the Landlords have established grounds to be awarded the costs in the application except the expense for developing the photographs as these costs are not an eligible claim for this proceeding.

As the Landlords have been successful in this matter, the Landlords are also entitled to recover from the Tenant the \$50.00 filing fee for this proceeding. The Landlord will receive a monetary order for the balance owing as following:

Cleaning supplies	\$ 112.62
Landlord's labor for cleaning (44 hours @\$25/hour)	\$1,100.00
Landlord's labor for painting (37.5 hours @\$20/hour)	\$ 750.00
Landlord's labor for repairs (13 hours @\$20/hour)	\$ 260.00
Painting supplies	\$ 295.34
Materials for repairs	\$ 206.87
Filing fee for this application	\$ 50.00
 TOTAL	 \$2,774.83
 Balance Owing	 \$ 2,774.83

Conclusion

A Monetary Order in the amount of \$2,774.83 has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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: July 23, 2014

Residential Tenancy Branch

