



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, FF

Introduction

This is an application filed by the landlord for a monetary claim for damage to the unit, site or property, for money owed or compensation for damage or loss and recovery of the filing fee.

The landlord attended the hearing by conference call and gave undisputed testimony. The tenant did not attend or submit any documentary evidence. The landlord states that she personally served the tenant with the notice of hearing package and the submitted documentary evidence on April 3, 2014 at his place of work. I accept the undisputed evidence of the landlord and find that the tenant was properly served with the notice of hearing package and the submitted documentary evidence in person on April 3, 2014.

During the hearing the landlord clarified that the \$200.00 claim for strata fines for items left on the balcony was waived by the strata council and as such withdraws this portion of the claim. No further action is required for this portion of the claim.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Background and Evidence

This tenancy began on April 1, 2013 on a fixed term tenancy for 12 months ending on March 31, 2014 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$1,450.00 payable on the last day of each month and a security deposit of \$725.00 was paid.

The landlord states that the tenant vacated the rental unit on March 31, 2014 and that upon inspection it was revealed that the tenant left the rental unit dirty requiring cleaning, damage on the bedroom and bathroom walls. No condition inspection reports for the move-in or the move-out were completed by the landlord.

The landlord seeks a monetary claim of \$3,830.52 which consists of \$400.00 plus tax for cleaning, extra cleaning materials for \$50.00 plus tax, \$1,450.00 for compensation for loss of rental income, \$25.00 for a lost visitor parking pass, \$50.00 for a strata fine for parking without a visitor parking pass, \$200.00 for a strata fine for unauthorized items on the balcony, \$725.00 for partial unpaid rent for March, \$630.00 plus tax for wall damage repair/painting, \$250.00 plus tax for repair of a garbuerator and \$15.52 for the cost of photocopying documents for the hearing.

The landlord relies on photographs, copies of invoices/receipts, numerous strata warning letters in support of their claim.

Analysis

I accept the undisputed testimony of the landlord and find that a monetary claim has been established. The landlord has established a monetary claim for \$472.50 for cleaning, \$50.00 for a strata fine for parking and \$630.00 for the cost of wall repairs based upon the documentary evidence submitted totalling, \$1,152.50.

On the claims of partial unpaid rent of \$725.00 for March, loss of rental income for not being able to re-rent the unit for \$1,450.00 for April, \$25.00 for the replacement cost of a visitor parking pass and \$262.50 for the cost of repair for a garbuerator, I find on a balance of probabilities based upon the landlord's undisputed evidence that a monetary claim of \$1,737.50 has been established.

Section 72 of the Act addresses **Director's orders: fees and monetary order**. With the exception of the filing fee for an application for dispute resolution, the Act does not provide for the award of costs associated with litigation to either party to a dispute. Accordingly, the Landlord's claim for recovery of litigation costs (photocopying, \$15.52) is dismissed.

The landlord has established a total monetary claim of \$2,890.00. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 of the Act for \$2,940.00. 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 \$2,940.00.

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

