



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Quay Pacific Property Management Ltd.  
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 recovery of the filing fee. Agents representing the landlord attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the tenant did not appear. Evidence provided by the landlord includes the Canada Post tracking number for the registered mail. The landlord's agents testified that the address used for service of the hearing package was provided by the tenant in an email dated February 26, 2013, a copy of which was submitted in evidence. However, the Canada Post website informs that the "Recipient not located at address provided." Ultimately, the hearing package was returned to the sender.

### 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 July 01, 2009. Monthly rent of \$1,200.00 was due and payable in advance on the first day of each month, and a security deposit of \$600.00 was collected. A move-in condition inspection report was completed with the participation of both parties.

By letter dated July 27, 2012 the tenant gave notice to end tenancy effective August 31, 2012. The tenant's cheques for August rent were NSF (2 x \$600.00). A move-out

condition inspection was scheduled for September 04, 2012, however, the tenant did not attend and the move-out condition inspection report was completed by the landlord. Certain discarded items were left behind by the tenant, and the unit was found to be in need of considerable cleaning and repairs.

### 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 documentary evidence and the affirmed / undisputed testimony of the landlord's agents, the various aspects of the landlord's claim and my related findings are set out below.

\$1,200.00: *unpaid rent for August 2012*  
\$50.00: *(2 x \$25.00) NSF fees*  
\$95.20: *carpet cleaning*  
\$109.38: *unpaid hydro*  
\$75.00: *replacement of key fob*  
\$176.61: *paint*  
\$15.00: *replacement of door knob*  
\$20.00: *replacement of fridge door shelf bracket*  
\$40.00: *replacement of balcony blinds*  
\$20.00: *light bulbs / drawer repair / door stops*

Sub-total "A:" **\$1,801.19**

I find that the landlord has established entitlement to the full amount claimed above.

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\$1,260.00: *labour for painting (2 persons x 14 hours x \$45.00 per hour)*  
\$90.00: *disposal of miscellaneous discarded items (2 hours x \$45.00 per hour)*  
\$90.00: *unit cleaning (2 hours x \$45.00 per hour)*  
\$90.00: *miscellaneous repairs (2 hours x \$45.00 per hour)*

Sub-total "B:" **\$1,530.00**

I find that the landlord has established entitlement to compensation for miscellaneous labour, as above, in the limited amount of **\$850.00**, which is calculated on the basis of the 34 hours claimed, but at an hourly rate of \$25.00 per hour.

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**\$50.00:** *filing fee*

As the landlord has achieved a significant measure of success with this application, I find that the landlord has established entitlement to recovery of the full filing fee.

**Total: \$2,701.19** (\$1,801.19 + \$850.00 + \$50.00)

I order that the landlord retain the security deposit of **\$600.00** and I grant the landlord a **monetary order** for the balance owed of **\$2,101.19** (\$2,701.19 - \$600.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,101.19**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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: August 06, 2014

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Residential Tenancy Branch

