



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MND, MNSD, FF, O

Introduction

This is an application filed by the landlord for a monetary order for damage to the unit, site or property, to keep all or part of the security deposit and recovery of the filing fee.

The landlord attended the hearing by conference call and gave undisputed evidence. The tenant did not attend. The landlord states that the tenant was served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on May 9, 2014 and has submitted a copy of the Customer Receipt Tracking number as confirmation. The landlord has confirmed receipt of the tenant's documentary evidence package. After waiting 6 minutes past the start of the scheduled start, the hearing proceeded as I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Is the landlord entitled to retain the security deposit?

Background and Evidence

This tenancy began on May 1, 2009 on a fixed term tenancy ending on May 1, 2010 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement dated May 1, 2009. The monthly rent is \$675.00 payable on the 1st of each month and a security deposit of \$340.00 was paid.

The landlord seeks a monetary claim of \$439.49 which consists of \$338.00 to keep the security deposit to offset the estimated amounts for the repair for damage, \$51.49 for the recovery of printing photographs and the \$50.00 filing fee.

The landlord states that the tenant left the rental unit with damaged/stained carpet at the end of the tenancy. The landlord relies on two submitted quotes for a complete replacement of the 400 sq ft carpet for \$1,350.00 from Dream Carpets and \$1,176.00 from Company General Renovation. The landlord states that the carpet has not yet been replaced as of the date of the hearing, but relies on the submitted photographs and the completed condition inspection report

for the move-in on May 1, 2009 which states that the rental unit was brand new with new carpet. The tenant has also submitted photographs of the rental unit dated approximately 1 month prior to the end of tenancy. These photos show a general view of the rental throughout. The landlord's photos show detailed stains throughout of carpet stains.

Analysis

I accept the evidence submitted by both parties and find on a balance of probabilities that I prefer the evidence of the landlord over that of the tenant. The completed condition inspection report for the move-in clearly shows that the unit was new and the landlord's photographs provide detailed views of the damaged portions of the carpet. I find the landlord has established a monetary claim for damage of the carpets of \$338.00. Although the landlord's claim that the carpet replacement exceed the amount claimed, the landlord's monetary order is limited to the amount applied for.

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 (photographs) are dismissed.

The landlord is entitled to recovery of the \$50.00 filing fee. The landlord is entitled to a total monetary claim of \$388.00. I order that the landlord retain the \$340.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$48.00. 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 \$48.00.
The landlord may retain the security deposit.

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: September 10, 2014

Residential Tenancy Branch

