



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNDC, MNR, MNSD

Introduction

This is an application for A Monetary Order of \$5000.00 and recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was sent to his present address on July 31, 2014; however the respondent(s) did not join the conference call that was set up for the hearing.

Documents sent by registered mail or deemed served five days after mailing, and therefore I proceeded with the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Have the applicant's established a monetary claim against the respondent, and if so in what amount?

Background and Evidence

This tenancy began on February 2, 2013 with a monthly rent of \$1475.00, and a security deposit of \$737.50 was collected on that same date.

The tenant only paid one half of the October 2013 rent, and paid no rent for the month of November 2013, vacating the rental unit on November 8, 2013.

The landlord attempted to rent the unit for the month of December 2013, but was unable to do so, and therefore lost the full rental revenue for that month as well.

During the tenancy the tenant had attempted to paint the rental unit, however the tenant left a terrible mess with paint on ceilings, floors, baseboards etc. and as a result the whole rental unit had to be repainted.

They also had to have plumbing done at the rental unit to fix the broken carburetor, and at that time the plumber found a knife stuck in the plumbing.

They are therefore requesting a monetary order as follows, reduced to \$5000.00:

1/2 October 2013 rent outstanding	\$737.50
November 2013 rent outstanding	\$1475.00
December 2013, lost rental revenue	\$1475.00
Painting	\$1365.00
Plumbing repair	\$336.00
Filing fee	\$50.00
Total	\$5438.50

Analysis

It is my finding that the applicant/landlord has shown that the tenant failed to pay rent for one half the month of October 2013, and for the full month of November 2013. I therefore allow the landlord's request for that outstanding rent.

It is also my finding that the tenant failed to give the required one clear month Notice to End Tenancy and, although landlord attempted to do so, she was unable to re-rent the

unit for the month of December 2013, and I therefore also allow the claim for lost rental revenue for the month.

I also find the tenant left the rental unit in need of repainting due to the tenant attempting to paint the rental unit and doing a very poor job. I therefore allow the claim for repainting the unit.

The landlord has also shown that the tenant left the plumbing in the rental unit in need of repair and I therefore also allow that portion of the claim.

The landlord therefore has shown that the tenant left debt or damages exceeding the \$5000.00 that she is claiming and therefore I allow full claim.

I also allow a claim for recovery of the filing fee.

Conclusion

I have allowed the landlords full claim of \$5050.00 and I therefore Order that the landlord may retain the full security deposit of \$737.50, and I have issued a Monetary Order in the amount of \$4312.50.

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: October 22, 2014

Residential Tenancy Branch

