



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, FF

### Introduction

This is an application for a monetary order for \$1400.40 and a request for recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondents, and if so in what amount.

### Background and Evidence

The tenant stated that they do not dispute the following portion of the claim:

Cleaning	\$200.00
Carpet cleaning	\$118.13
Repairs	\$68.00
Total	\$386.13

The landlord is also asking for the \$1014.20 replacement cost a carpet, which the landlord states was stained during the tenancy and would not come clean.

When asked the age of the carpet, the landlord stated that it was approximately 9 or 10 years old and was original carpet.

The tenants stated that they are disputing the claim for replacing the carpet as it was a very old carpet and they do not believe they should be held liable for the replacement cost. They further stated that they had been fully willing to pay all the other costs even before the landlord decided to file for dispute resolution.

### Analysis

Awards for damages are intended to be restorative, meaning the award should place the applicant in the same financial position had the damage not occurred. Where an item has a limited useful life, it is necessary to reduce the replacement cost by the depreciation of the original item.

Section 40 of the Residential Tenancy Policy Guidelines sets out the useful life of building elements, and carpets are considered to have a useful life of 10 years. Therefore since this carpet was approximately 10 years old, it is considered fully depreciated and of no value, and I therefore will not allow the claim for replacing the carpet.

Further, since the tenants had been willing to pay the undisputed portion of this claim without going to dispute resolution it is my decision that the landlord must bear the cost of the filing fee.

### Conclusion

I have allowed \$386.13 of the landlords claim and have issued an order for the respondents to pay that amount to the landlord. The remainder of this claim is dismissed without leave to reapply.

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: May 05, 2015

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Residential Tenancy Branch

