



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes : FF, MNR, MND, MNSD & MNDC

Introduction

A hearing was conducted by conference call in the presence of applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by mailing, by registered mail to where the tenant resides on April 10, 2015. The landlord testified the documents were not returned to him. A search of the Canada Post tracking service indicates the documents were delivered on April 13, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a tenancy agreement that provided that the tenancy would start on October 1, 2011. The tenancy agreement provided that the tenant(s) would pay rent of \$1175 per month payable in advance on the first day of each month.

The tenant paid a security deposit of \$625 and a pet damage deposit of \$625 for a total of \$1250 at the start of the tenancy. The tenancy ended at the end of April 2014.

Analysis

The Residential Tenancy Act provides the tenant must maintain reasonable health, cleanliness and sanitary standards throughout the rental unit and the other residential property to which the tenant has access. The tenant must repair damage to the rental unit or common areas that is caused by the actions or neglect of the tenant or a person permitted on the residential property by the tenant and is liable to compensate the landlord for failure to do so. In some instances the landlord's standards may be higher than what is required by the Act. The tenant is required to maintain the standards set out in the Act. The tenant is not required to make repairs for reasonable wear and tear. The applicant has the burden of proof to establish the claim on the evidence presented at the hearing.

Monetary Order and Cost of Filing fee

With respect to each of the landlord's claims I find as follows:

- a. I determined the landlord is entitled to the sum of \$410.40 for the cost of garbage removal.
- b. I determined the landlord is entitled to \$350 for the cost of cleaning.
- c. I determined the landlord is entitled to \$123 for the cost of carpet cleaning.
- d. The landlord claimed the sum of \$2817.71 for the cost to replace the carpets. The carpets were installed in 2009 and were 5 years old. Policy Guideline #40 sets the useful life of an interior carpet at 10 years. I determined the landlord is entitled to half of this claim or the sum of \$1408.85

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$2292.25 plus the \$50 filing fee for a total of \$2342.25.

Security Deposit

I determined the security deposit plus pet damage deposit totals the sum of \$1250. I determined the landlord is entitled to retain this sum. **I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of 1092.25.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: September 14, 2015

Residential Tenancy Branch

