



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 the 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 by mailing by registered mail to the forwarding address of the Tenant on April 15, 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 written tenancy agreement that provided that the tenancy would start on April 1, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$525 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$300 at the start of the tenancy.

In November 2014 the tenant gave the landlord notice she was vacating the rental unit on December 15, 2015. The tenant vacated at the end of November. She failed to pay the rent for the period December 1, 2014 to December 15, 2015 and the sum of \$262.50 remains outstanding.

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 \$262.50 for outstanding rent for the period December 1, 2014 to December 15, 2014.
- b. I determined the landlord is entitled to \$32.31 for wall repair that was damaged by the tenant. .
- c. I determined the landlord is entitled to \$3.34 for paint brushes.
- d. I determined the landlord is entitled to \$15 for the cost of removing the tenant's mattress.
- e. The landlord claimed the sum of \$441.50 for carpet removal and \$174.72 for carpet installation for a total of \$616.22. I determined the tenant damaged the carpet. The landlord was uncertain as to the age of the carpet but testified it was here 4 years ago when she moved in. The Policy Guidelines provided the useful life of an interior carpet is 10 years. After considering depreciation I determined the landlord has established a claim of \$308 for the damage to the carpet.
- f. I determined the landlord is entitled to \$174.72 for the cost of repairing a laptop damaged by the tenant..
- g. I determined the landlord is entitled to \$19.99 the cost of a new DVD damaged by the tenant..
- h. I determined the landlord is entitled to \$107.85 for the cost of house cleaning.

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$923.71 plus the \$50 filing fee for a total of \$973.71.

Security Deposit

I determined the security deposit plus interest totals the sum of \$300. 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 \$673.71.

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 16, 2015

Residential Tenancy Branch

