



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF MND MNSD

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing sent by registered mail on August 10, 2015 the tenant failed to attend the hearing. The landlord testified that the tenant had signed for the registered mail package.

Issue(s) to be Decided

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on September 1, 2014 and ended on June 27, 2015. The rent was \$1000.00 per month. A security deposit of \$500 was paid at the start of the tenancy.

After the tenant vacated the unit, the landlord found that the tenant had not done any cleaning at all and had left a large amount of furniture and miscellaneous belongings in the unit. As well, the tenant had left 278 nail holes in the walls of the unit.

The landlord submitted photographs of the rental unit which showed the lack of cleaning, abandoned belongings and wall damage.

Analysis

The landlord has made a monetary claim comprised of the following:

Furniture removal	\$200.00
Cleaning	260.00
Wall repair	1500.00
TOTAL	\$1960.00

In analysing the above claim I refer to Section 37 of the Act which says that when a tenant vacates a rental unit, the tenant must leave the unit reasonable clean, and undamaged except for reasonable wear and tear.

Based on the uncontested evidence before me, I find that the tenant did not comply with Section 37. The unit was not cleaned at all, large pieces of furniture were left behind and the walls were damaged by hundreds of nail holes.

I am satisfied based on the landlord's testimony and the documentation and photos submitted that the landlord has established the full amount of the above claim.

Conclusion

I find that the landlord has established a total monetary claim of \$1960.00. I also find that the landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$2010.00. I order that the landlord retain the deposit and interest (\$0.00) of \$500.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1510.00. This order may be filed in the Small Claims 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: November 24, 2015

Residential Tenancy Branch

