



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0903472 BC Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MND, MNDC, FF

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for damages to the unit - Section 67;
2. A Monetary Order for compensation for loss - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Tenant responsible for the damage to the unit?

Is the Landlord entitled to recovery of the costs for the damages and the filing fee?

### Background and Evidence

The following is undisputed and relevant evidence: The tenancy started on December 2014 and ended either October 31 or November 15, 2015. Rent of \$1,200.00 was payable monthly. The Landlord has returned the security deposit to the Tenant. During the tenancy the Tenant’s guests damaged the elevator by jumping inside the elevator. The Strata repaired the elevator and sent the bill to the Landlord who subsequently paid for the damages to the elevator.

The Landlord claims \$1,794.24 as the costs for the damages and the Tenant does not dispute that her guests caused the damage. The Landlord provides a copy of the Strata letter setting out the details of the incident.

### Analysis

Section 32(3) of the Act provides that a tenant of a rental unit 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. Based on the undisputed evidence of the behavior of the Tenant's guests and the damage to the elevator, a common area of the rental unit, and given the evidence of costs, I find that the Landlord has substantiated its claim to **\$1,794.24**. As the Landlord's application has been successful I find that the Landlord is also entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$1,894.24**.

### Conclusion

I grant the Landlord an order under Section 67 of the Act for **\$1,894.24**. If necessary, 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: June 01, 2016

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Residential Tenancy Branch