



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MND, MNDS & MNDC

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. A monetary order in the sum of \$469.55 for damages
- b. An order to keep the security deposit.
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative 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 served on the Tenant by mailing, by registered mail on March 10, 2016 to the forwarding address provided by the Tenant. 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 6 month fixed term written tenancy agreement that provided that the tenancy would start on October 15, 2013, end on February 29, 2014 and become month to month after that. The tenant paid a security deposit of \$425 at the start of the tenancy. The rent at the end of the tenancy was \$871.

At the end of January the tenant gave the landlord written notice he was vacating the rental unit on February 29, 2016. He vacated on that date.

Landlord's Application - 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 \$89.30 for the cost of carpet cleaning.
- b. I determined the landlord is entitled to \$144 for the cost of cleaning and materials.
- c. The tenant smoked in the rental unit. The landlord was not able to complete a satisfactory paint job with one coat of paint. I determined the landlord is entitled to \$236.25 for the cost of paint and materials for the second coat.

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$469.55 plus the \$100 filing fee for a total of \$569.55.

Security Deposit

I determined the security deposit plus interest totals the sum of \$425. 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 \$144.55

Conclusion

In summary I determined the landlord has established a monetary order against the tenant(s) in the sum of \$569.55. I ordered the landlord may retain the security

deposit/pet deposit in the sum of \$425. I further ordered that in addition, the Tenant pay to the Landlord the sum of \$144.55.

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: June 06, 2016

Residential Tenancy Branch