



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNDC

Introduction

At the beginning of the conference call legal counsel for respondent initials DW stated that his client was never a tenant at the rental property and it simply paid the rent as a court-appointed trustee

In response to the legal counsel statement the applicant stated that he agrees that the respondent whose initials are D W was never a tenant and simply paid the rent has the court-appointed trustee.

In light of the above information I removed the respondent who's initials are DW and proceeded with the hearing leaving only the respondent who's initials are BWC

This is an application brought by the Landlord requesting a Monetary Order in the amount of \$1651.21.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on February 10, 2016; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

The applicant's testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant testified that the tenant vacated the rental unit on October 17, 2015 leaving the rental unit in need of significant cleaning, debris removal, and repairs.

The applicant further testified that when the tenant vacated he took her freezer and the dryer that did not belong to him and were part of the rental.

The applicant is therefore requesting an order for the cost of cleaning, debris removal and repairs, and is requesting an order for the cost of replacing the missing freezer and dryer.

The full amount claimed is as follows:

cost of removing garbage from the rental unit	\$216.00
Cost of used deep freezer	\$300.00
Cost of use dryer	\$150.00
Cost of cleaning the house	\$262.50
Cost to remove the abandoned car and debris	\$321.00
Cost to repair and paint damaged walls and cupboards	\$375.00
Cost of photo evidence	\$26.71
Filing fee	\$100.00
Total	\$1751.21

Analysis

It is my finding, after reviewing the photo evidence, documentary evidence, and testimony of the applicant that the applicant has shown that the tenant left the rental unit in need of significant cleaning and repairs.

It is also my finding that the landlord has shown that the tenant removed a freezer and a dryer that belonged with the rental unit and I therefore allow the landlords cost to replace those items with used items.

I will not however allow the landlords claim for the cost of photo evidence as this is a cost of the dispute resolution process and I do not have the authority to award costs other than the \$100.00 filing fee, which I will allow.

Conclusion

Pursuant to section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$1724.50.

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: July 04, 2016

Residential Tenancy Branch