



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Coldwell Banker Horizon Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNDC, MNSD

Introduction

This is an application brought by the Landlord(s) requesting a monetary order in the amount of \$352.50, and requesting recovery of the \$100.00 filing fee.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on October 21, 2016, and received by the tenants on October 26, 2016, however the respondent(s) 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(s) have been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All 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 paid a security deposit of \$475.00 on May 2, 2014.

The applicant testified that this tenancy began on June 1, 2014 and ended on September 30, 2016.

The applicant testified that a move in inspection report was done at the beginning of the tenancy with the tenant, however, at the end of the tenancy, the moveout inspection report was done in the absence of the tenant, as the tenant had not responded to at least two requests to schedule a moveout inspection. They had even served the tenant with a Final Opportunity to Schedule the Condition Inspection form.

The applicant testified that the tenant left the rental unit in need of significant cleaning, and, although they have only charge for one cleaning, a second cleaning was required to bring the unit to a reasonable standard for re-renting.

The applicant further testified that the tenants had paid to have the carpets cleaned, however the carpets had to be cleaned a second time as they were in such poor condition; however they have not charged anything for carpet cleaning.

The applicant testified that the tenants had painted some walls with chalk board paint and as a result those walls had to be repainted.

Therefore the total claim they are requesting is as follows:

Suite cleaning	\$195.00
Painting	\$157.50
Filing fee	\$100.00
Total	\$452.50

The applicants are also requesting an order to retain the proportion of the security deposit to cover this claim.

Analysis

I accept the landlord's undisputed testimony that the tenants left the rental unit in need of significant cleaning, and therefore I allow the landlords request for the cost of that cleaning.

I also accept the landlord's undisputed testimony that the tenants had painted two walls in the rental unit with chalkboard paint, and I therefore also allow the landlords request for the cost of repainting those walls.

Having allowed the landlords full claim I also allow the landlords request for recovery of the filing fee.

Therefore the total amount I have allowed is as follows:

Suite cleaning	\$195.00
Painting	\$157.50
Filing fee	\$100.00
Total	\$452.50

I also allow the landlords request to retain the security deposit towards this claim.

Conclusion

I have allowed the landlords full claim of \$452.50 and I therefore order that the landlords may retain \$452.50 of the tenants \$475.00 security deposit towards that claim.

I have not issued any order for the return of the remainder of the security deposit because the tenants failed to participate in the moveout inspection, and therefore, pursuant to section 36 of the Residential Tenancy Act, the tenant's right to the return of the security deposit has been extinguished.

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: April 26, 2017

Residential Tenancy Branch